SENATE—*Tuesday, May 5, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska.

The PRESIDING OFFICER. Today's prayer will be offered by guest chaplain, Gen. Eva Burrows, world leader of the Salvation Army.

PRAYER

Gen. Eva Burrows, world leader of the Salvation Army, offered the following prayer:

Great and gracious God, we turn to You at the commencement of this session and pause to acknowledge Your sovereignty over our lives, our Nation, our world.

We seek the inspiration of Your Holy Spirit in our deliberations, Your wisdom in our decisionmaking, Your love in our acceptance of another's point of view, Your graciousness when others may not accept ours.

We remind ourselves of the words of Holy Scripture, "A nation without God's guidance is a nation without order." There can be no lasting national greatness that ignores spiritual values, so we come seeking Your guidance as this assembly works to order the affairs of this Nation in such a way that its national life is identified by righteousness, integrity, and justice.

Lord God, I ask Your blessing on every Member of this Senate. Help each to see life from Your perspective:

With compassion for the weak and helpless;

With courage to dare to do the new thing;

With a vision that brings seeming impossibilities to reality; and

With a faith that always trusts, hopes, and perseveres.

Father God, I offer this prayer in the name of our Lord and Saviour Jesus Christ whose love, I pray, will fill our hearts and motivate our actions this and every day. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 5, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, am I correct that the Journal of proceedings has been approved to date?

The ACTING PRESIDENT pro tempore. It has.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning there will be a period for morning business, during which time Senators will be permitted to speak and following which the Senate will turn to consideration of S. 2403, the rescission legislation.

Under the rules governing consideration of that measure, it will be before the Senate for a maximum of 10 hours. It is subject to amendment. It is my hope that we can complete action on that measure as soon as possible, and in any event it cannot be before the Senate for a period longer than 10 hours. Senators should be aware that rollcall votes could occur at any time during the day today should amendments to the measure be offered.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve all of my leader time, and I reserve all of the leader time of the distinguished Republican leader.

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

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

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

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Oregon is recognized.

TRIBUTE TO GERRY FRANK

Mr. HATFIELD. Mr. President, some say that this is the year for changes in politics. Great attention is paid to the many elected officials who are choosing to leave Washington. Today, I take the Senate floor to pay tribute to yet another individual who has decided to take this leave. Gerry Frank, whom I consider a best friend, one of my strongest political allies, and a true public servant, is leaving his position as my chief of staff.

Gerry Frank has given his adult life to the public, especially the people of Oregon. In a culture which emphasizes personal wealth and absolute power, he operated always with his love of doing good as his guiding motivation.

For four generations the Frank family operated one of the premier department stores on the west coast. Gerry spent his youth learning the trade and, upon completing his education at Cambridge, England, undertook the management of the new Salem store in the family chain. Yet simply running a successful business was not enough to challenge Gerry. Every community in Oregon has been touched by this man through his philanthropy and leadership. Over the years, Gerry's list of interests has grown longer and broader and is unrivaled today by that of many full-time public servants.

Gerry Frank has served as a trusted advisor for most of my political life. He has guided me through five senatorial campaigns. He interviewed and hired hundreds of young people to serve as unpaid and paid staffers and built a legendary support network which includes thousands.

Gerry became a full time Senate employee in 1973. He undertook the assignment as my chief of staff because he believed that a Senator's office first and always must operate as a service to the constituent. Gerry's focus constantly and completely has been upon meeting the needs of people. And during his 19 years here he created an entirely new standard of excellence for

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Senate offices at every level—from office design and automation to the last detail about a small-town ice cream social.

We have covered many miles together, Gerry and I. We have walked, driven or flown over what must be every square mile of the State we both cherish, spending thousands of hours talking with the people of Oregon. The miles are many and so are the milestones. Gerry Frank has had a role to play at every stage of my Senate career. He has been my adviser, my advocate and my surrogate.

Each of us in the Senate knows that the life in Washington is challenging. Politics is a profession of superstars who may have little understanding of the sacrifice which staff willingly make each day for every one of us. Some staff would say that it is difficult to have a life outside the job. It is a sad fact that the bright individuals producing incredible work on our behalf only can provide that assistance at a sacrifice to their own interests.

Gerry Frank never gave up his own activities, and I am pleased to see that the headlines reporting his departure read "Oregon's 'Third' Senator Retires." The news stories are testament to the fact that Gerry never allowed the hectic pace of the Senate to overtake his desire to pursue his own interests and his community involvement. His own efforts, which include a best-selling New York guidebook, a restaurant and positions on the boards of many national and State groups, never suffered from lack of energy and enthusiasm and are truly measures of his success.

I am grateful that he has agreed to continue serving as an unpaid counselor and as a volunteer representative of my office. There is still much to be done for the State and the Nation, and I am pleased that we will continue working together. I wish Gerald Frank all the best and express deepest appreciation for the indelible mark he has left upon me, my staff and the people of Oregon.

Mr. President, I yield the floor.

Mr. GORE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. GORE. I ask unanimous consent to speak for an additional 5 minutes.

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

GLOBAL ENVIRONMENT

Mr. GORE. Mr. President, I rise today to announce to my colleagues and to serve notice to the Bush administration that I intend later this week to introduce legislation designed to accomplish what President Bush has failed to do; that is, to commit our country to a goal that can be a goal that is critical to our future and the future of the global environment.

On Thursday, I will introduce in this Chamber legislation to commit our Nation to stabilize emissions of carbon dioxide, a principal cause of global warming, at 1990 levels by the year 2000.

I spent a good deal of yesterday, Mr. President, observing the negotiations on, namely, climate change agreement at the United Nations. The majority leader and the Republican leader sometime ago appointed an observer group, and I have been taking my responsibilities as chairman of that group extremely seriously. I have been watching the negotiations quite closely, and keeping with the advice-and-consent clause of the Constitution I have been in touch with our negotiators and with many others who were involved in these talks.

I wish this morning in advance of my introduction on Thursday of the measure to which I have just referred to give a report to the Senate on the status of the negotiations.

There is a large discussion between the industrial countries, mostly in the Northern Hemisphere and the developing countries mostly in southern latitudes, about the relative responsibilities and commitments and obligations that these two groups of nations should undertake.

It is generally agreed that one of the principal obligations which should be incurred by the industrial nations is to limit—at least to stabilize—the emissions of greenhouse gases which are the principal culprit in the problem of global climate change. The lowest common denominator for such an agreement is the proposal that nations should stabilize their CO_2 emissions or greenhouse gas emissions, the larger category including many forms of methane emissions as well as CO_2, at 1990 levels by the year 2000.

For most of the 2-year negotiation, the position of the Bush administration has been that we cannot stop a commitment to stabilize our greenhouse gas emissions at the 1990 levels by the year 2000 because our economy is uniquely vulnerable to damage that might come from such a limitation.

The assertion that we could not meet that goal without incurring economic harm was based upon a study by the Department of Energy which was used as the basis for the national energy strategy. As extensive hearings before the Joint Economic Committee demonstrated last week, the study upon which the administration's assertions are based is fatally flawed.

The National Research Council of the National Academy of Sciences tore apart the computer model upon which their study is based, and indeed the administration itself has now rejected the conclusions of the Department of Energy because after a long internal debate, the White House introduced into the public record a document two Fridays ago entitled "U.S. Views on Global Climate Change" which essentially admits that the Department of Energy figures were wrong, and now the White House view is we can stabilize or very nearly stabilize not only at no cost but at a profit to this country with purely voluntary measures.

So now the White House says, yes, we can stabilize, we can meet this lowest common denominator goal, we can do so with purely voluntary measures, and we can do it at a profit.

One would be tempted to conclude that, the principal objection to this commitment now being removed, the White House would say, OK, now we can agree to it.

But, no, there is a brand new excuse. The new excuse for not making this commitment is that the new set of conclusions having demonstrated that we can stabilize without actually having to do anything other than recommend voluntary measures means that we do not need an international agreement because we can stabilize without an international agreement.

Mr. President, if you think you may be missing something here, I share that feeling. And I have tried hard to understand the logic upon which this new excuse is based. I think I have figured it out. It is rather like someone concluding that since he is presently not intending to rob a bank, that is proof that there is no necessity for laws against robbing banks.

The principal objection to an agreement to stop the destruction of the global atmosphere has been that this agreement worldwide would impose an undue burden on us. Now that we conclude that it will not impose an undue burden on us, we say, oh, well, now we do not need the agreement because we can meet our part of what would be the agreement without actually having the agreement. They have come up with the answer before they really know the question. They always say no and the fact that their excuses become ever more imaginative just demonstrates the extent to which they are torturing logic.

The question is not, Mr. President, what is the minimum that the United States can do with purely voluntary measures in order to stabilize greenhouse gas emissions in this country? The question is what can the United States of America do to lead the world toward a policy that avoids environmental catastrophe?

President Bush has utterly failed that test of leadership. What will the consequences be? Two weeks ago, one of our great cities, Chicago, was virtually paralyzed, because the infrastructure underneath the city for carrying water decayed, and inadvertently some construction was carried out which exposed a weakness in that de-

caying infrastructure, and as the waters rose, the city was shut down.

Last week, tragically, we saw the consequences that occur when the social infrastructure of one of our other great cities, Los Angeles, was allowed to decay and deteriorate, and the spark set the fire as the tensions rose, and the flames spread.

Many cities in the developing world are on the verge of shutting down, because the environmental infrastructure has been allowed to deteriorate and decay. Indeed, the ecological system of the entire Earth is now in jeopardy. Look first at Mexico City. They are closing factories there, not because of the economy, not because of the social infrastructure, not because of the water lines or the electricity lines, but because they are choking to death on the air pollution. Most cities in the developing world are no more than a half step behind Mexico City. We are seeing one of our great industries shut down because the environmental infrastructure is decaying—salmon fishing on the west coast is about to end because overfishing has destroyed the generativity of that species.

Mr. President, I ask unanimous consent for 5 additional minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DURENBERGER. Mr. President, I am not sure what business the Senate intends to conduct at 10 o'clock, but if there is no other business to be conducted at 10 o'clock, I would not have an objection. Otherwise, I have 10 minutes reserved.

EXTENSION OF MORNING BUSINESS

Mr. GORE. Mr. President, I ask unanimous consent that I be allowed to speak for 5 additional minutes and that morning business be extended for those 5 additional minutes.

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

Mr. GORE. We are at a critical turning point. Yesterday, a Gallup poll was released showing that throughout the developing world, the issue of protecting the global environment has risen dramatically in importance. We have the misconception that people in the developing world do not really care about the deterioration of our world's environment. This new poll shows that it is just a misconception.

In Mexico City, again, it is interesting that retailers there cannot sell spray cans that they have on their shelves if they are not labeled "ozone friendly." There is no law respecting that, but it is just that the consumers there refuse to buy it if they think it is going to hurt the environment. And they are desperately trying to buy the new machinery and processes and products that will allow the factories to reopen without adding to the burden of pollution. Who will sell it to them? Japan is eager to do so. So is Europe. Japan is now openly saying that the biggest new world market in the history of world business is in the products and processes which make environmental progress possible without environmental destruction.

The Keidandren, the largest Japanese business organization, has now announced a 100-year plan. They are now imposing much tougher environmental standards on their corporations than the ones embodied in U.S. law. Why? There are two possibilities. No. 1, it could be that the Japanese are just plain softheaded about international economic competition; or if you do not accept that premise, maybe it is because they know something that we do not. They say that this is a tremendous new business opportunity, and they say that in eliminating pollution they find new ways to improve productivity and efficiency.

Mr. President, at the United Nations this week, President Bush is very close to convincing the entire rest of the world to sign onto an agreement that does virtually nothing; no commitments, no targets, no timetables—simply rhetoric. President Bush is good at this. He is good at getting on the telephone to foreign leaders, and he is good at painting the appearance of action without actually doing anything. And now he is on the verge of convincing the other industrial nations that the option of actually doing something to combat this problem is unacceptable to the United States of America.

In that, I do not think he is speaking for the American people, but he is enunciating his policy. He has sent the message loudly and clearly to all of the other industrial nations that no agreement will be acceptable to him if it had any targets, or any timetables, or any commitment to actually do something.

I have talked with our officials, and I asked them: if this treaty is signed and ratified by the Senate, could it be possible that this statement put out a week ago Friday listing a set of voluntary measures with an estimate of what they might accomplish would satisfy the requirements of the treaty? I was told, "yes."

In other words, the language that is now about to be adopted will not require us to do a single thing, nor will it require other countries to do a single thing. Is it better than a catastrophic failure at Rio with the world leaving there embittered and hostile with an aversion to even reopening negotiations? Yes, if the choice is between bad and worse, you choose bad.

Why is there not a third option, a good treaty to actually do something? There is one reason: President George Bush and his utter failure of leadership on this question.

Consequently, Mr. President, I will be introducing this legislation on Thursday to put the U.S. Senate on record that our country should stabilize greenhouse gas emissions at 1990 levels by the year 2000, because the administration has already said we can do so with purely voluntary measures at a profit. I hope that my colleagues on both sides of the aisle will support this measure. It is also pending in the other body.

I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. DURENBERGER. Mr. President, I ask unanimous consent to extend the time for morning business until 10:15.

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

TAX EXPENDITURES—HEALTH EXCLUSION

Mr. DURENBERGER. Mr. President, I have come to the floor again today to address another aspect of America's health care crisis.

This crisis is affecting the American people in many ways. It is radically changing the spending priorities of this Government and adding daily to the deficit. It is eating away at the bottom line of every business in America; as benefit costs soar, profits drop and so does competitiveness.

And it is eating away at the economic security of the American family. The best off among us are seeing their take-home pay eroded by health premium increases; the least fortunate live in constant fear a single hospitalization will wipe them out.

As we attack this pervasive and highly complex problem, the first thing we need to do is sort out what are the symptoms and what is the disease.

In my view, the system is in crisis for one fundamental reason: Its costs are out of control. Drug costs, hospital costs, and physicians' costs seem to be out of control. The prices that we pay to protect ourselves against the financial consequences of these costs are totally out of control. We are in a dangerous inflationary spiral where each increase leads to several others. We are on a path that leads to a U.S. medical bill by the end of the decade of $2 trillion, and that is simply unsustainable.

Mr. President, last week the Joint Committee on Taxation published a report that provided a rather disturbing view of the extent of this problem.

The joint committee does revenue estimates for the Finance Committee and House Ways and Means Committee. Each year, it calculates the cost of what are called tax expenditure—these are policy decisions made right here; we make them when we draw up the Tax Code—all of which reduce the amount of tax revenue raised from the American people.

It is the spending which each American or American corporation does that requires the financial assistance of all other Americans. It is the subsidy necessary to get each of us to make certain decisions about how we spend our earnings on the things that presumably we or the Nation needs.

The way the estimating process goes in the committee is that the committee figures out how much the basic elements of the code would raise—that is, the Tax Code would raise—if there were no deductions or exemptions, and it calculates how many taxpayers, corporate and individual, took advantage of various tax provisions and how much extra taxes they would have paid if they did not take advantage of them.

It is a very important process because as far as the deficit is concerned, a dollar not raised in the tax system is the same as a dollar spent. Unfortunately, we tend to pay far less attention to tax expenditures than we do to Federal spending, even though they have dramatic budgetary and policy implications that are very similar.

The joint committee just released tax expenditure estimates for fiscal years 1993 to 1997. In the area of health, in particular, we discover the largest, fastest growing tax expenditure or public expenditure on health care in this country, the exclusion from income for employer-provided health care, and the estimates are startling.

Last year, the joint committee projected that the 1993 income tax exclusion for employer-provided health insurance would cost the Treasury $41.3 billion. In 1994, they projected $45.1 billion. In 1995, $49 billion; in 1996, $53.2 billion. That reflects a growth rate in tax spending for employer-paid health insurance of 10 percent a year.

But those, Mr. President, were last year's estimates. The new estimates paint a far darker picture. According to the joint tax estimate, the 1993 tax cost of the tax exclusion will be $46.4 billion, 12 percent higher than was projected a year ago. For 1994, the exclusion will be $51.3 billion; for 1995, almost $57 billion; and for 1996, $63 billion.

And in 1997, the exclusion is estimated to cost $69.6 billion. That will make the employer exclusion for health care the No. 1 tax spending in the budget. That is more than will be spent for pensions, $66 billion; more than the cost of the home mortgage interest deduction, which is under $60 billion. Imagine that. We forgive more taxes for health premiums than we do all for all the home mortgage payers in America, a surprising figure.

But, Mr. President, those billions reflect only the individual income tax spending that results from the exclusion. They do not take into account the FICA tax or the Social Security tax savings, nor the savings to the employers from deducting the cost of health benefits from their corporate income tax. If you add in the FICA exclusion the 1993 cost will rise from $46.4 billion to $75 billion. And if you add in the corporate tax deduction, the total 1993 cost of the health exclusion jumps another $57 billion to $132 billion, and that is for a single year. That is more than we are going to spend on Medicare.

So if you worried about the Medicare cost increases and the Medicaid cost increases, I suggest you add in a third very disturbing figure: $132 billion in tax subsidies for employer-provided health insurance. It is the cost of the tax-paid portion of employers' spending on health insurance in 1 year.

So cost containment it is not. We need to face up to the dramatic impact that tax-free health benefits have on the cost spiral. Any service that is free is overused. The same is true for any service for which you do not pay the full cost. We are giving the system a reason and an encouragement to spend too much.

Mr. President, not only are these costs unsustainable, but they are fundamentally inequitable. The 100-percent unlimited exclusion for health insurance applies only to employees and executives of corporations. Self-employed small business operators, farmers, and individuals can only deduct 25 percent of their health insurance costs. For the past several years, I have introduced legislation that would end this inequity, and hopefully with the passage of S. 1872, which I introduced with Senator BENTSEN, we can abolish that particular inequity.

In addition, the unlimited tax exclusion for employer-provided health insurance fuels the health care cost spiral because it insulates individuals from the real cost of their health insurance. By allowing a 100-percent corporate deduction and a 100-percent income tax and FICA exclusion, there is little incentive to rein in costs or benefits. So equal access, it is not.

The income tax exclusion clearly benefits upper income executives more than average-paid employees. A person in the 15-percent bracket who received a $5,000 health plan receives a benefit worth $750 in income tax savings. For the executive in the 31-percent bracket, the value of the income tax savings is more than double: $1,550. The more expensive the health plan, the greater the tax savings to the high-income person.

So, Mr. President, the day is not far off when the Congress and President are going to reach the point where we are going to adopt and pass legislation to end the massive, unlimited tax subsidies for America's overinsured.

We worry about the 33 million, 35 million, 37 million uninsured. We worry about millions of Americans who are uninsurable. There is more than enough excess in the overinsurance paid for by the American taxpayers to resolve those inequities.

The dollar costs associated with this exclusion are unsustainable, and it is unconscionable to continue to subsidize the coverage of the best-off while millions have no coverage.

Yes, we have a crisis on our hands, Mr. President. And we start to attack it by addressing those factors which are driving the cost of health care out of the reach of most Americans. This report on our tax expenditure on health shows us a good place for us to start.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Chair recognizes the Senator from Arkansas [Mr. PRYOR].

Mr. PRYOR. Mr. President, I thank the Chair for recognizing me at this time.

(The remarks of Mr. PRYOR pertaining to the introduction of Senate Joint Resolution 297 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

HUMANITARIAN CRISIS IN SOMALIA

Mr. DURENBERGER. Mr. President, a terrible tragedy is occurring in Somalia. Lawlessness, anarchy, and seemingly random violence have conspired to create what many observers now consider the worst humanitarian disaster in the world today.

Conditions for the impoverished people of Somalia are very difficult under normal circumstances. With rival bands of roving gunmen now controlling parts of the capital Mogadishu and others simply shooting up the city, Somalis are faced with the daily desperate search for food and safety.

As the struggle for control and influence persists virtually unabated, rival factions debase themselves with the contemptible practice of using food as a weapon, not only against their rivals, but against innocent noncombatants—men, women, children, the elderly and infirmed.

Food is withheld from areas, groups, and individuals in order to exert influence, to extract concessions, and tragically, to inflict pain. Thus far, the international community's considerable effort to provide humanitarian relief has been thwarted.

Now, in what the Washington Post recently described as a desperate expedient, the Red Cross and UNICEF have resorted to paying off rival gunmen with food in order to secure permission for the groups to bring food to a population that is dying of starvation at alarming rates.

It is sad and shocking that the international community must resort to such means in order to get relief to those in desperate need. It is a bold and uncertain strategy, but a necessary one. Sadly, there appear to be few other plausible options at this point if we are to avoid a human tragedy of untold proportions.

Mr. President, I would urge our colleagues to remain attentive to the horrible situation playing out in Somalia. We should support the efforts of the Red Cross and UNICEF to get food to those in dire need, even it that requires buying off rival gunmen. It is, indeed, a risky strategy that has virtually no precedents. But the contemptible use of food as a weapon of war or the scale and in the manner occurring in Somalia is also virtually without precedent.

I commend my friend and colleague, Representative TONY HALL, for his tireless efforts to persuade the conflicted countries of this region to ensure adequate relief supplies reach the people most in need. He has led efforts to establish so-called arms control agreements pertaining to the weapon of food. It is an uphill battle. Representative HALL and others who have joined him deserve our support and encouragement.

Mr. President, before concluding, I ask unanimous consent to insert in the RECORD at the conclusion of my remarks an editorial from the Washington Post on the tragedy of Somalia.

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

[From the Washington Post, May 2, 1992]

HORN OF MISERY

The relief agencies are having to resort to a desperate expedient in Somalia. There in the Horn of Africa the International Committee of the Red Cross and UNICEF, the children's agency, are paying off gunmen—rival gunmen—in kind in order to secure their permission for the groups to bring in food for starving people. Perhaps there is always some sort of implicit potential of extortion in war-zone relief operations, but it is particularly open and shocking in Somalia. The best that can be said is that it is a tactic improvised in the absence of any local authority or outside intervention force capable of seeing to the fair and expeditious delivery of vital supplies.

Rep. Tony Hall, chairman of the House select committee on hunger, observes that the Horn as a region has become uniquely associated with the use of food as a weapon. It is a sad distinction. Mr. Hall contributed to a recent effort to induce Sudan, Ethiopia, Kenya and Djibouti to ensure the provision of relief in conflict situations. This was billed as a first international "arms control" agreement centering on the "weapon" of food. No sooner had these African nations taken a broad pledge not to use food as an instrument of war, however, than a new Sudanese government offensive forced the U.N. to suspend its feeding of a million or more people in southern Sudan.

In the past 10 or 15 years the relief agencies and contributing governments have been called on for almost continuous surges of service in the war- and drought-induced famines of the Horn and of other points in sub-Saharan and southern Africa. It has been an uphill battle to keep the international public engaged in this essential but seemingly endless work. The combatants' use of starvation as a tactic in civil conflict—against their own citizens—has been especially dismaying and has prompted efforts to establish a "right to food."

Naturally this initiative comes more easily to donors and others who do not have much of an interest in the political outcome of a given dispute than to the participants in it. It is the mark of civilization, however, to put limits on the most terrifying weapons of war and especially on those that bear heavily on noncombatants. The deliberate starving and killing of masses of civilians have no justification whatever. Governments or insurgent factions that do this kind of thing deserve contempt.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $3,877,530,244,106.22, as of the close of business on Friday, May 1, 1992.

As anybody familiar with the U.S. Constitution knows, no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 just to pay the interest on spending approved by Congress—over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day.

On a per capita basis, every man, woman and child owes $15,095.95—thanks to the big-spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

TRIBUTE TO DARWIN SCHENDEL

Mr. KOHL. Mr. President, I rise today to pay tribute to Darwin Schendel of Oakdale, WI. Mr. Schendel is retiring this Friday as the general manager of the Oakdale Electric Cooperative, a member-owned organization which he has served over the past 33 years. Mr. Schendel is in Washington this week representing the Wisconsin Electrical Cooperative Association, and at this time I would like to take a moment to highlight the rich contributions that Mr. Schendel has made to his cooperative and to his community.

Mr. Schendel was born and raised in Monroe County, WI. After graduating from high school in 1948 he farmed for a year, then worked for 3 years as a mechanic for the Ford Motor Co.

In 1959, Mr. Schendel went to work for the Oakdale Electric Cooperative, where he has been employed ever since. He started as an appliance repairman, but over the years he has risen considerably within the cooperative. He served as appliance foreman, staff assistant, and assistant manager, and in 1980, he became general manager of the cooperative.

Mr. Schendel has served his community in many capacities. He is vice president and secretary of the Monroe County Agricultural Society, a board member of the Wisconsin Association of Fairs, a member of the Farmers & Merchants Bank board of directors, and chairman of the Monroe County Housing Authority Board. He has also served as fire chief of the Oakdale Fire Department, on the advisory board for the area vocational schools, and as a board member of St. Michael's Catholic Church.

Mr. Schendel and his wife Rosella have three daughters, Dianna, Sandra, and Sue, and three grandchildren. I join his family, his friends, and his colleagues in the Wisconsin Electrical Cooperative Association in wishing Mr. Schendel the happy retirement that he so richly deserves.

PROTECTIONISM—THE SCOURGE OF MARKETS IN THE NEW WORLD ORDER

Mr. GRAMM. Mr. President, last month Leo Melamed, chairman emeritus of the Chicago Mercantile Exchange [CME], spoke at the Fourth Annual International Finance Symposium in Tokyo. His speech, entitled "Protectionism—The Scourge of Markets in the New World Order," is one of the finest I have read on the subject of international trade and competitiveness.

Having pioneered the concept of financial futures, launched foreign currency futures and created the International Monetary Market in the 1970's, Leo Melamed transformed the CME from a secondary domestic agricultural exchange to the world's foremost financial futures exchange. In the 1980's, Leo Melamed instituted a global trading link between the CME and other financial exchanges by introducing GLOBEX, an electronic after-hours trading system which, beginning in 1992, became the unified electronic trading system for the Chicago Board of Trade and the CME.

Leo Melamed's expertise on international trade is abundantly demonstrated in his incisive analysis of the current international economic order. I commend his clear thinking to my colleagues as the trade debate continues on this floor and throughout the country.

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

PROTECTIONISM—THE SCOURGE OF MARKETS IN THE NEW WORLD ORDER

(By Leo Melamed)

(Presented at the Chicago Mercantile Exchange and Chicago Board of Trade Fourth Annual International Finance Symposium, Tokyo, Japan, Apr. 8, 1992)

It represents a paradox of unimaginable proportion. At the very moment in history

when the triumph of free markets is nearly global—at the very moment in history when market-driven economic order is embraced in such unlikely places as Moscow, Sofia, and Prague—at the very moment in history when the Communist world has discarded the manifesto of Karl Marx in favor of the principles of Adam Smith—at this same moment in human history, some of the staunchest champions of a liberal world economy, free trade, and uninhibited competition have suddenly developed a severe case of second thoughts.

Even as the bust of Lenin unceremoniously disappears from every pedestal in the Communist world, even as endless teams of economists from Eastern Europe travel to America to study market-driven economic order, even as central planning becomes a ridiculed concept throughout the former Soviet Union, some within the bastions of free market economics in the United States and Europe are talking of industrial policies, protectionism, and tariffs. The philosophical incongruity of this phenomenon is difficult to comprehend. It would be comical were it not so tragic.

What happened? Have we lost our faith? Our nerve? Or have we simply lost our memory and are condemned, as Santayana suggested, to repeat past mistakes?

Surely our memory cannot be so short that we have forgotten Senator Reed Smoot of Utah and Congressman Willis Hawley of Oregon who together devised the so-called Smoot-Hawley Tariff Act of 1930, the Act that resulted in a trade war and according to most economists helped plunge the world into the great depression of that era.

Those who suddenly again question our liberal global economic philosophy suggest that the U.S. has been duped in a world that does not operate according to classic economic principles. That we are naive fools in a cutthroat competitive world that has few rules and that is ruthlessly unfair to nice guys. No question some of this has the ring of truth. There exist areas of unfair global competition. There exists a network of protected industries that take advantage of American good will. But there is nothing new about that, nor is the U.S. itself free from unfair trade practices. While we must be unrelenting in our efforts to erase such sins, they are meaningless in the sum total of our successful global course over the last half century. What has brought the protectionist voices to the fore has been the special economic circumstances of current vintage—principally the long and difficult American recession. It has created an emotional environment, one based on fear and distrust; it has created an atmosphere fertile for sophistry and demagogues.

Specifically, anti-liberal economic theorists advance two major myths to support their views: that protectionism is justified by U.S. trade imbalances and that protectionism saves jobs. Both myths are false. They have again come into fashion, as Daniel Oliver the former Chairman of the U.S. Federal Trade Commission observed a few years ago, by virtue of special interests in America; i.e., some industries adversely affected by foreign competition have invented a national problem in order to advance their own self interests.

That protectionism will create jobs is a claim that Herbert Stein, the American Enterprise Institute scholar, has characterized as "best selling fiction." While it is true that a protectionist policy will create jobs in the particular industry being protected, it is equally true that it will have a devastating effect and cost jobs in the economy as a whole. By saving jobs through trade protectionism in (say) the machine tool industry or the computer chip industry, it will be at the expense of jobs in manufacturing or jobs in electronics. Because when a foreign country cannot export its products to the protected country, it has less money to spend on imports from the protected country. The protected country will thus lose some other export market that will force some other corner of its industry to reduce its labor force. As Milton Friedman told us in Free to Choose, "The gains to some producers from tariffs and other restrictions are more than offset by the loss to other producers and especially to consumers in general." [1]

Similarly, the myth about the U.S. trade deficit negatively affecting the U.S. economy is simplistic and equally untrue. As should be obvious but is often misunderstood, a trade deficit (the so-called current account deficit) is not something that is good or bad per se. It is merely the counterpart to a capital account surplus. Exports are not by themselves good nor are imports bad. A favorable balance of trade basically means exporting more than we import; i.e., shipping goods abroad of greater total value than the goods we get from abroad. In other words, sending more than we receive. If the reverse occurs—when we receive more than we send—strange as it may seem, it creates an unfavorable balance of trade.

During the 1970s, for instance, the U.S. had a trade surplus and a deficit in the capital account, partly because of large U.S. investment overseas. Was that good? In the 1980s, the U.S. began running a surplus in its capital account; the favorable climate for investment in the U.S. was causing an influx of foreign capital. This was used to partially finance a major retooling of American production capacity. Is this bad? If the rest of the world is to invest—on net—in the U.S., the U.S. will necessarily run a trade deficit. As most economists and scholars will tell you this is neither good nor bad. Nor does the trade deficit take away jobs as protectionist rhetoric in guise of national concern will attempt to tell us. For instance, during the 1980s, even as our trade deficit continued to mount to record levels, the United States continued to produce new jobs at a very high rate.

As everyone in Japan is aware, the brunt of the current protectionism attack has been directed at this country. Japan's economic miracle of the past several decades has made the rest of the world envious. Thus, the tapestry of free trade is shamelessly being rewoven into something called fair trade a buzz word for protectionism; an America-first syndrome, the equivalent to a fortress-Europe mentality, is disgracefully trampling on the sacred precepts of global competition; the time-honored principles of a market-driven economy are outrageously attacked in favor of short-term solutions, political expediency, and emotional rhetoric. Japan has become the whipping boy for the world's economic problems.

Does anyone care to listen to the truth. For instance, although the U.S. 43 billion trade deficit with Japan is blamed for the American recession, in truth its impact on the American economy is relatively small—equal to 2 day's worth of U.S. output. Excluding autos, the U.S. deficit with Japan is not much more than it is with China. In fact, the U.S. total trade deficit—66.2 billion in 1991—fell below the 100 billion mark for the first time in 8 years. At the same time, U.S. exports surged to a record 422 billion and the U.S. captured a greater share of worldwide manufactured exports than Japan. Indeed, the U.S. exports more to Japan than it does to Germany, France, and Italy combined. Conversely, Japan imports more per capita from America and at a higher percentage of its gross national product than the U.S. imports from Japan.[2] In truth, the U.S. export picture has been the one bright spot in the American economy; if a recession or an economic slowdown is occasioned by U.S. trading partners or if protectionism has its way, the American economy will be hit even harder.

However, the rationale for protectionism and tariffs is unencumbered by the truth; it is built upon false assumptions, inaccurate impressions, and demagogic sentiments. For instance, Japan is said to be an unfair trader. This is an erroneous accusation. While Japan is not without guilt, it is on the whole no different than other industrial countries. In fact, on average, Japan trade barriers are lower than other industrial nations. Its average tariff for industrial products is 2.6%—compared with 3% for America—and its non-tariff barriers, such as quotas and licenses, are similar to those in America.[3]

These facts are not well understood or publicized in the United States, nor are they sufficient to offset the frustrations resulting from our long and deep recession, unemployment in excess of 7%, and an ongoing U.S. election process. This combination of circumstances has created a climate ideal for those motivated by self-interests. Indeed, sophistry and demagogic polemics are very effective tools in times of economic stress, especially in a political year. Take the American auto industry as an example. Some of their executives would have us believe that the problems occasioned by their industry are not caused by competitive value comparisons on the part of U.S. consumers, but are the result of a Japanese government plot, one that has caused the current U.S. trade deficit. Consequently, the problem, they argue, is of national concern.

Of course there is nothing new about the use of such sophistry by merchants and manufacturers to advance their own special purposes in the guise of a national necessity. Sophistry in commerce has been applied throughout the ages. It was best described by Adam Smith in 1776, in The Wealth of Nations:

In every country, it always is and must be the interest of the great body of the people to buy whatever they want of those who sell it cheapest. The proposition is so very manifest, that it seems ridiculous to take any pains to prove it; nor it could it ever have been called in question had not the interested sophistry of merchants and manufacturers confounded the common sense of mankind. Their interest is, in this respect, directly opposite to that of the great body of the people.[4]

As Milton Friedman will tell you, "These words are as true today as they were then." It is always in the best interests of the vast majority of the people to buy from the cheapest source and sell to the dearest.[5] Yet, sophistry, motivated by special interests, will attempt to tell you that this is not the case and that there are national priorities at stake. The national priorities just happen to coincide with the special interests of the

[1] Milton and Rose Friedman, Free to Choose (1980).

[2] U.S. News & World Report, March 12, 1992.

[3] The Economist, January 11, 1992; World Bank.

[4] Adam Smith, The Wealth of Nations (1776).

[5] Free to Choose.

merchants and manufacturers Adam Smith wrote about.

Nor is protectionism, sophistry and demagogic polemics exclusive to the United States or Europe. Such endeavors know no geographic boundaries. Here in Japan, the same or similar political expediencies, sentiments and actions are exercised covering a wide range of commercial enterprises including protecting domestic industries at the expense of international trade, exclusive arrangements among Japanese companies, keiretsu transactions, and even the blaming of the futures index market in Osaka for falling stock prices in Tokyo. Such actions are the cause of the unwarranted image Japan has earned. For instance, the proposed Japanese restrictions on derivative trading activities can be assessed by financial markets as an attempt to punish the profitability of foreign brokers—primarily U.S. institutions. Is this other than protectionism? Is it not sophistry to suggest that such measures will correct the perceived problems in Japanese markets? Similarly, when a Japanese official recently stated that American workers are "lazy and illiterate," his words were not only a disservice to the cause of free trade, they were blatantly false.

While Japanese do have more working hours than Americans—225 hours per year more than U.S. workers—American workers rank second in the number of work hours of any nation in the industrialized world. Americans work about 320 hours more per year than workers in Germany or France. Indeed, working hours in the U.S. have increased substantially over the past twenty years. From the end of the 1960s to the present, Americans' work hours have increased by about 160 hours (or nearly one month per year). This is true for women as well as men.[6]

Similarly, it is a fallacy that the productivity of American workers has fallen. The level of productivity of the U.S. worker has more than doubled since 1948. And as for leisure time, American and Japanese workers on average receive the same 10 days vacation time—well behind the thirty days of vacation for Swedish or Austrian workers, or the twenty-five days in France, or the twenty-two days in the U.K., Switzerland and Spain, or the eighteen days in Germany.[7]

And while the negative comments about American workers were probably made for domestic rather than foreign consumption—possibly to forestall the growing pressure from Japanese laborers to reduce working hours (just as many of our negative comments about Japan are made for domestic U.S. consumption)—they nevertheless can cause serious difficulties for the relations of our two nations. It therefore behooves public officials on both sides of the Pacific to bear this in mind. That particularly during times of recessions—as the U.S. has endured, as most of Europe is experiencing, and as may yet be felt here in Japan—it is imperative that the voices of our public officials be less shrill and that they not unwittingly lend ammunition to those who have a special protectionist agenda.

For we know that protectionism has popular appeal. We know that in times of economic strain protectionism can gain a following. But we also know that protectionism is the scourge of markets everywhere. We know its consequences are devastating and ubiquitous. Dare we allow the near global triumph achieved by free markets in recent years be diminished? Dare we endanger the new world order we have fought so long and valiantly to achieve? Dare we allow the protectionists of the 1990s to lead us down the Smoot-Hawley path of the 1930s? Sophistry and demagogic polemics can snatch for us defeat from the jaws of victory. We, of free markets, must not allow this to transpire.

Thank you.

[6] Newsweek, February 17, 1992.
[7] Ibid.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

The Chair recognizes the distinguished President pro tempore of the Senate, the Senator from West Virginia, [Mr. BYRD].

RESCISSION OF CERTAIN BUDGET AUTHORITY

Mr. BYRD. Mr. President, I thank the Chair. Mr. President, I offer a privileged motion. I move that the Senate proceed to consideration of S. 2403.

The PRESIDING OFFICER. The question is on the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2403) to rescind certain budget authority proposed to be rescinded in special messages transmitted to the Congress by the President on March 20, 1992, in accordance with title X of the Congressional Budget and Impoundment Control Act of 1974, as amended.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

That the following rescissions of budget authority are made, namely:

TITLE I

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

Of the funds available under this head, $9,200,000 are rescinded.

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–3, $38,800,000 are rescinded; of which $22,000,000 was made available for the grant to the Silver Valley Unified School District, Yermo, California; and $10,000,000 was made available for the grant to the Cumberland County School Board, Fayetteville, North Carolina; in addition, of the funds made available under this heading in Public Law 102–172, $139,989,000 are rescinded.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–4, $1,000,000 are rescinded for the Fenwick Pier Demonstration Project; in addition, of the funds made available under this heading in Public Law 102–172, $152,182,000 are rescinded, of which $400,000 is from funds for the renovation of the Vice President's residence.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, $156,650,000 are rescinded.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–7, $600,000 made available for two Post-Traumatic Stress Disorder Treatment Centers, one to be located in the State of Hawaii, and one to be located in Greensburg, Pennsylvania, for the purpose of treating military personnel, dependents, and other personnel in post-traumatic stress disorders is rescinded; in addition, of the funds made available under this heading in Public Law 102–172, $226,721,000 are rescinded, of which $5,400,000 is from support of White House communications.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–9, $50,000,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–11, $40,000,000 are rescinded from the AV–8B program; in addition, of the funds made available under this heading in Public Law 102–172, $103,000,000 are rescinded reducing funds allocated for the SH–2G program.

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds provided under this heading in subdivision "AOE combat support ship program" in Public Law 102–172, $500,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–14, $29,300,000 are rescinded; in addition, of the funds made available under this heading in Public Law 102–172, $41,000,000 are rescinded of which $29,000,000 is from firefighting equipment and $12,000,000 is from ship systems trainers.

PROCUREMENT, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–16, $42,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–18, $18,600,000 are rescinded from funds for the multipurpose individual munition and the High Mobility Multipurpose Wheeled Vehicle program; in addition, of the funds made available under this heading in Public Law 102–172, $28,000,000 are rescinded from funds to be used for Aircraft Propulsion and the classified program "Tractor Pull".

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–19, $14,000,000 are rescinded, of which $10,000,000 was made available for the Submarine Laser Communications project and $4,000,000 was allocated for the LAMPS MK III program; in addition, of the funds made available under this heading in Public Law 102–172, $6,100,000 are rescinded from funds for the Ship Towed Array program.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–20, $32,000,000 are rescinded for the Follow-on Tactical Reconnaissance program; in addition, of the funds made available under this heading in Public Law 102–172, $38,500,000 are rescinded from the F–15E and F–16 squadrons programs.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–21, $15,000,000 are rescinded from the Low-low Frequency Active Technology program.

REVOLVING AND MANAGEMENT FUNDS

PENTAGON RESERVATION MAINTENANCE REVOLVING FUND

(RESCISSION)

Of the funds available under this heading, $60,000,000 are rescinded.

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 101–519, $5,000,000 are rescinded.

Of the funds made available under this heading in Public Law 102–136, R92–22, $9,050,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–23, $12,000,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 101–148, $3,320,000 are rescinded.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 100–447, $500,000 are rescinded. Of the funds made available under this heading in Public Law 101–519, $15,100,000 are rescinded.

Of the funds made available under this heading in Public Law 102–136, R92–25, $9,000,000 are rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, $68,200,000 are rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–26, $2,772,000 are rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–27, $306,000 are rescinded.

MILITARY CONSTRUCTION, NAVAL RESERVE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–29, $10,900,000 are rescinded.

DEPARTMENT OF EDUCATION

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 102–170, for Title IV of the Carl D. Perkins Vocational and Applied Technology Education Act, $2,000,000 for choice demonstrations are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH SERVICE

(RESCISSION)

Of the funds appropriated to carry out the Public Health Service Act, the Mental Health Systems Act, the Act of August 5, 1954 (Public Law 568, Eighty-third Congress), or the Act of August 16, 1957 (Public Law 85–151) and made available for evaluation pursuant to section 2711 of the Public Health Service Act but remaining unobligated on the date of enactment of this Act, $15,000,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 102–170, $8,000,000 are rescinded: Provided, That no more than $249,000,000 of such appropriation may be expended to meet unanticipated costs of agencies of organizations with which agreements have been made to participate in the administration of title XVIII of the Social Security Act.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–139, $50,000,000 for section 8 contract amendments are rescinded.

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 102–154, $4,937,000 are rescinded.

BUREAU OF MINES

MINES AND MINERALS

(RESCISSION)

Of the funds available under this heading in Public Law 102–154, $987,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds available under this head for the site development and construction of the United States Embassy building in Kuwait, $12,248,000 are rescinded.

DEPARTMENT OF TRANSPORTATION

URBAN MASS TRANSPORTATION ADMINISTRATION

RESEARCH, TRAINING AND HUMAN RESOURCES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–143, $9,880,000 are rescinded.

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 101–513, $32,500,000 are rescinded.

INTER-AMERICAN INVESTMENT CORPORATION

(RESCISSION)

Of the funds made available under this heading in Public Law 102–145, as amended, $4,000,000 are rescinded.

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 101–513, $100,000 are rescinded.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 102–145, as amended, $64,054 are rescinded.

INTERNATIONAL FUND FOR IRELAND

(RESCISSION)

Of the funds made available under this heading in Public Law 101–513 and prior Acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

MULTILATERAL ASSISTANCE INITIATIVE FOR THE PHILIPPINES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–145, as amended, $20,000,000 are rescinded.

DEVELOPMENT ASSISTANCE; ECONOMIC SUPPORT FUND

(RESCISSION)

Of the unexpended balances of funds (including earmarked funds) made available in Public Law 98–473, Public Law 99–88 and prior Acts making appropriations for foreign assistance and related programs to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, $30,000,000 are rescinded: Provided, That this rescission shall be made from funds deobligated but continued available by section 515 of Public Law 101–513, and the corresponding authority provided in Public Law 102–145, as amended.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 102–145, as amended, $1,925,000 are rescinded: Provided, That the amount of funds made available under this heading that may be obligated for entertainment allowances is decreased by $25,000.

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 102–145, as amended, $39,015,000 are rescinded: Provided, That the amount of funds made available under this heading that may be obligated for the general costs of administering military assistance and sales is decreased by $15,000.

DEOBLIGATION/REOBLIGATION AUTHORITY

Notwithstanding section 515(b) of Public Law 101–513, and the corresponding authority provided in Public Law 102–145 as amended, no Foreign Military Financing Program funds may be reobligated pursuant to such authority from the date of enactment of this Act through September 30, 1992.

SPECIAL DEFENSE ACQUISITION FUND

(LIMITATION ON OBLIGATIONS)

The limitation under this heading in Public Law 102–145, as amended, is decreased by $40,000,000.

MILITARY ASSISTANCE PROGRAM

(RESCISSION)

Of the unexpended balances of funds made available to carry out the provisions of chapter 2 of part II of the Foreign Assistance Act of 1961, $6,750,000 are rescinded.

Of the funds made available to carry out section 503(a)(3) of the Foreign Assistance Act of 1961 that have been disbursed into the Foreign Military Sales Trust Fund, $5,760,000 may not be disbursed for any purpose and shall be deposited into the miscellaneous receipts of the Treasury.

SENATE

CONTINGENT EXPENSES OF THE SENATE

OFFICIAL MAIL COSTS

(RESCISSION)

Of the total funds appropriated under the heading "OFFICIAL MAIL COSTS" under the heading "CONTINGENT EXPENSES OF THE SENATE" under the heading "SENATE" in any appropriations Act of joint resolution making appropriations available to the Senate for fiscal years 1991 and 1992 and which (but for the provisions of this paragraph) would remain available until expended, of the balances remaining unobligated, $20,000,000 are rescinded.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 101. In addition to amounts rescinded elsewhere in this Act, of the funds made available in Public Law 102–172, $105,900,000 are rescinded of which not less than $10,000,000 was made available as a grant to the Louisiana State University for the Neuroscience Center of Excellence; $10,000,000 was made available as a grant to Marywood College, Pennsylvania, for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense; $6,000,000 was made available for a grant to the University of Texas at Austin; $6,000,000 was made available for a grant to the Northeastern University; $5,000,000 was made available for a grant to the Texas Regional Institute for Environmental Studies; $7,700,000 was made available as a grant to the Kansas State University; $1,600,000 was made available for a grant to the University of Wisconsin; $29,000,000 was made available for a grant to the Boston University; $250,000 was made available for a grant to the Medical College of Ohio; $500,000 was made available for a grant to the University of South Carolina; $750,000 was made available for a grant to George Mason University; $2,300,000 was made available as a grant to the Monmouth College; $10,000,000 was made available as a grant to the University of Minnesota; $500,000 was made available as a grant to the University of Saint Thomas in Saint Paul, Minnesota; $2,000,000 was made available as a grant to the Brandeis University; $3,000,000 was made available as a grant to the New Mexico State University; and under the heading "Research and Development, Test and Evaluation, Defense Agencies" $1,300,000 was for the Oregon Graduate Institute and $10,000,000 was for the Institute for Advanced Science and Technology.

SEC. 102. In addition to amounts rescinded elsewhere in this Act, of the funds made available in Public Law 102–172, $11,350,000 are rescinded of which $4,000,000 was made available for a grant to the Airborne and Special Operations Museum Foundation; $4,000,000 was made available for the National D-Day Museum Foundation; $1,600,000 was made available for the Museum of Science and Industry; and, under the heading "Operations and Maintenance, Navy" $1,750,000 was available for the Naval Undersea Museum as provided for in section 8115 of Public Law 102–172: Provided, That none of the funds available to the Department of Defense shall be obligated to subsidize, provide assistance-in-kind, or otherwise offset the costs of any military museum.

SEC. 103. Funds available to the Department of Defense which were proposed for rescission by the President for programs listed in the justifications of the rescission message of March 10, 1992, and which are not specifically rescinded by this Act, shall be made available for obligation for the same programs, projects and activities as listed in the message of March 10, 1992.

TITLE II

DEPARTMENT OF AGRICULTURE

OFFICE OF PUBLIC AFFAIRS

(RESCISSION)

Of the funds made available under this heading in Public Law 192–142, $62,000 for travel are rescinded.

NATIONAL AGRICULTURAL STATISTICS SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 192–142, $2,000,000 for the pesticide data program are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

BUILDINGS AND FACILITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–142, R92–38, $500,000 for facilities completion in North Dakota are rescinded.

SPECIAL RESEARCH GRANTS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–142, R92–44, $750,000 for Appalachian hardwoods in West Virginia are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–49, $49,000 for integrated orchard management in Vermont are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–52, $120,000 for animal waste disposal in Michigan are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–53, $134,000 for a mechanical tomato harvester in Pennsylvania are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–56, $200,000 for oil from jojoba in New Mexico are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–58, $50,000 for seedless table grapes in Arkansas are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–60, $140,000 for swine research in Minnesota are rescinded.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–142, $3,000,000 for the pesticide data program are rescinded.

FARMERS HOME ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–142, $6,031,000 for travel are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF DENTAL RESEARCH

(RESCISSION)

From amounts previously appropriated, $367,000 are hereby rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–139, $693,000,000 for section 8 contract amendments are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 102–154, R92–88, $5,897,000 are rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 102–154, $19,000,000 are rescinded.

DEPARTMENT OF THE ARMY

ARMY CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

(RESCISSION)

Of the funds made available under this heading in title I of Public Law 102–104, R92–91, $3,000,000 are rescinded: Provided, That the language of title I of Public Law 102–104 directing the Secretary of the Army, acting through the Chief of Engineers, to undertake in fiscal year 1992, the Red River Basin Chloride Control, Texas and Oklahoma, $3,000,000 is repealed.

OPERATION AND MAINTENANCE, GENERAL

(RESCISSION)

Of the funds made available under this heading in title I of Public Law 102–104, R92–92, $1,350,000 are rescinded: Provided, That the language of title I of Public Law 102–104 directing the Secretary of the Army, acting through the Chief of Engineers, with $1,500,000 to alleviate bank erosion and related problems associated with reservoir releases along the Missouri River below Fort Peck Dam is repealed.

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139, for contracts, $20,000,000 are rescinded.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139, for the alternative remedial contracting system, $20,000,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 102–139, $1,500,000 for space exploration studies are rescinded.

Of the amounts made available under this heading in Public Law 102–139, $2,500,000 for the National Aerospace Plane are rescinded.

Of the amounts made available under this heading in Public Law 102–139, $10,000,000 for Climsat earth probe are rescinded.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

(RESCISSION)

Unobligated balances for the following research grants are rescinded upon enactment: "Middle Class Lawyers: The transformation of small firm practice"; "Monogamy and aggression"; "Holism in Psychobiology in the Twentieth Century"; "Affective Bases of Person Perception"; "The representation of Attitudes"; "Economic opportunity in urban America 1850–1870"; "A historic study of Japan's famous slogan "Rich Nation, Strong Army" and its impact on Japanese Technology"; "Status attainment in Chinese urban areas"; "Firm age and wages"; "American perceptions of justice": "An east-west collaborative study"; "Herd behavior: Microfoundations and evidence from decision making by firms and about the global environment"; "Analysis of mental computation performance and estimation strategy-use among Japanese students and curricular of these topics in Japanese schools"; "The timing of control and stock externalities in the presence of learning with application of global warming"; "Conflict paradigms and the instance theory of automization"; "Exemplar-based processing in social judgment"; "A history of applied science in France, 1801–1941"; "Emerging coalitions in the Soviet All-Union and Republican Legislature"; "Compensation system design, employment and firm performance: An analysis of French microdata and a comparison to the U.S.A."; "The structures and processes of building provisions: A case study of master-planned communities"; "The transformation of the large law firm in England: A comparative analysis"; "The evolution of optimizing behavior and of attitudes towards risk"; "Applying space technology to global change: values, institutions and decisions"; "Traditional and nontraditional forms of popular religion in Sicily"; "Auctions with entry/exit decisions"; "Maintenance of a polymorphism in mating behavior in swordfish"; "The systematic study of senate elections"; "The late prehistoric political economy of the Upper Mantaro Valley in Peru"; "Sexual mimicry of swallowtail butterflies"; "Song production in freely behaving birds"; "American legal realism, empirical social science and the Law professor's professional identity"; "Norms, self-interest and taxpayers decisions: adaption to 1986 tax reform".

The National Science Foundation shall report to the Committees on Appropriations by May 22, 1992 on the amount of unobligated balances committed for these grants.

DEPARTMENT OF DEFENSE—MILITARY

PROCUREMENT

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds provided under this heading in the subdivision "SSN–21 attack submarine program" in Public Law 102–172, and proposed for rescission in R92–101, $375,500,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–102, $189,400,000 are rescinded.

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $1,000,000,000 are rescinded from funds for the B–2 bomber.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $131,000,000 are rescinded from the National Aerospace Plane.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $1,300,000,000 are rescinded from the Strategic Defense Initiative.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading for the Office of the Federal Inspector for the Alaska Natural Gas Transportation System in Public Law 102–154, R92–34, $144,590 are rescinded.

TITLE IV

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $11,300,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $16,700,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $33,300,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $33,000,000 are rescinded from classified programs.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–105, $46,300,000 are rescinded; and of the funds provided under this heading in Public Law 101–511, $150,000,000 are rescinded.

Of the funds provided under this heading in Public Law 101–161, $10,700,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–107, $15,000,000 are rescinded.

WEAPONS PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in the subdivision "Other Missile Programs" in Public Law 101–511, and proposed for rescission in R92–111, $60,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, $2,500,000 are rescinded from classified programs.

Of the funds provided under this heading in Public Law 101–511, $37,000,000 are rescinded, of which $22,000,000 is from Point Defense Support Equipment and $15,000,000 is from the Productivity Investment Fund program.

PROCUREMENT, MARINE CORPS

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $55,000,000 are rescinded of which $25,000,000 is from Tactical Intelligence Enhancements and $30,000,000 is from Night Vision Equipment.

MISSILE PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, $416,300,000 are rescinded, of which $344,000,000 is from the Advanced Cruise Missile program and $72,300,000 is from the MX missile program.

Of the funds provided under this heading in Public Law 101–511, $112,200,000 are rescinded from the MX missile program.

OTHER PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, $118,200,000 are rescinded, of which $105,100,000 is from classified programs and $13,100,000 is from the Base Support program.

Of the funds provided under this heading in Public Law 101–511, $20,000,000 are rescinded from the Base Support program.

Of the funds provided under this heading in Public Law 101–165, $30,000,000 are rescinded from the Electronic Drug interdiction program.

PROCUREMENT, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $10,700,000 are rescinded from classified programs.

NATIONAL GUARD AND RESERVE EQUIPMENT

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–120, $45,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $196,200,000 are rescinded, of which $49,400,000 is from the antisatellite weapon (ASAT) program, $51,000,000 is from the Forward Area Air Defense system, $70,000,000 is from the classified program "Tractor Helm", and $19,800,000 is from the Electronic Warfare Development program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $30,400,000 are rescinded, of which $1,400,000 is from the Antiair/antisurface warfare technology program, $1,400,000 is from the Command, control, communications advanced technology program, $5,000,000 is from the Bomb Fuze Improvement program, $4,900,000 is from the Target Systems Development program, $5,000,000 is from the Industrial Preparedness program, and $3,700,000 is from classified programs.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–127, $300,000,000 are rescinded; in addition, of the funds provided under this heading in Public Law 102–172, $364,800,000 are rescinded, of which $5,800,000 is from Defense Research Sciences, $69,600,000 is from Advanced

Technology Development programs, $21,100,000 is from the NCMC-TW/AA systems program, $22,000,000 is from the Night/Precision Attack program, $38,400,000 is from the Tactical Improvement Program, $47,500,000 is from the Advanced Launch System/National Launch System, and $149,400,000 is from classified programs.

Of the funds provided under this heading in Public Law 101-511, $62,000,000 are rescinded from the Follow-on Early Warning System program.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $45,700,000 are rescinded, of which $4,000,000 is from Manufacturing Technology, and $30,700,000 is from classified programs.

GENERAL PROVISIONS

SEC. 401. Funds available to the Department of Defense which were proposed for rescission by the President for programs, projects, or activities listed in the justification accompanying the rescission messages dated April 9, 1992, and which are not specifically rescinded by this Act in response to the President's request shall be made available for obligation for the same programs, projects and activities as described in the messages of April 9, 1992.

SEC. 402. The Classified Annex accompanying S. 2570 of the One Hundred Second Congress is hereby incorporated into this Act: Provided, That the amounts specified in the Classified Annex are not in addition to amounts rescinded by other provisions of this Act: Provided further, That the President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the Classified Annex, within the executive branch of the Government.

The PRESIDING OFFICER. Under the previous order, the committee substitute is the pending question. Time for debate under the question is 2 hours, equally divided.

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

Mr. President, I have a unanimous-consent request which has been cleared on both sides.

The PRESIDING OFFICER. The Senator from West Virginia.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that upon the receipt of H.R. 4990 from the House all after the enacting clause of that bill be stricken and that the text of S. 2403 as amended be inserted in lieu thereof, that H.R. 4990 be deemed to be read a third time and passed, that the motion to reconsider the vote be tabled, and that the title be amended with the amendment reported to the title of S. 2403; that the Senate insist on its amendments and request a conference with the House, and that the chair be authorized to appoint conferees on the part of the Senate; that S. 2403 be indefinitely postponed; that pending receipt of H.R. 4990, S. 2403 be returned to the calendar; and that the above actions take place without intervening action or debate.

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

MEASURES INDEFINITELY POSTPONED—S. 2402, S. 2551, S. 2570

Mr. BYRD. Mr. President, I ask unanimous consent that S. 2402, S. 2551, and S. 2570 be indefinitely postponed.

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

Mr. BYRD. Mr. President, under the provisions of the Congressional Budget Act of 1974, the time on the bill, I believe, is controlled by the majority and minority leaders, or their designees; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, I ask unanimous consent that the time on the bill be controlled by Senator HATFIELD and myself.

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

Mr. BYRD. Under the Congressional Budget Act, is it not a fact that time from the bill may be yielded on any amendment or on debatable motions or other matter that is debatable?

The PRESIDING OFFICER. The Senator is again correct.

Mr. BYRD. I thank the Chair.

Mr. President, I yield myself time from the bill, such time as I may desire.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, S. 2403 was reported by the Appropriations Committee by a vote of 19 yeas to 9 nays on April 30, 1992, in the form of a substitute. The committee substitute addresses not only the President's March 20 rescission request, but those of March 10, April 8, and April 9, as well.

Title I of S. 2403 contains the committee's recommendations relative to the President's March 10 rescission requests. Title II of S. 2403 contains the committee's recommendations relative to the President's March 20 rescission requests. Title III of S. 2403 contains the committee's recommendations relative to the President's April 8 request. Title IV contains the committee's recommendations relative to the President's April 9 rescission requests.

The President's rescission requests would reduce defense spending by a total of $7,141,770,000. The committee recommendations would reduce defense spending by a total of $7,205,040,000 or $63,270,000 more than requested by the President. The President's requests would reduce domestic discretionary spending by a total of $721,002,690. The committee recommendations would reduce domestic discretionary by a total of $910,144,590, or a cut of $189,141,900 more than requested by the President.

For international spending—or as some would rather term it, foreign aid—the President requested no rescissions, but the committee recommends rescissions totaling $172,362,054.

The total amount of rescissions requested by the President for defense and domestic discretionary is $7,862,772,690. The committee has recommended rescissions for defense, domestic discretionary, and international spending, and the committee's recommendations total $8,287,546,644, or $424,773,950 more in cuts than the amount of the rescissions requested by the President.

In making these recommendations, the committee carefully scrutinized the President's requests and recommended many of those requests, modified some of them, and rejected others. In addition, the committee has reviewed all appropriations under its jurisdiction and recommends additional rescissions which were not requested by the President. These committee-initiated rescissions are made possible due to changed circumstances, delays in obligations and, in some instances, wasteful and unnecessary spending by the executive branch.

We took the President's rescission requests very seriously, even though they were accompanied by a lot of political background noise, including some rather silly suggestions that a vote be taken on each proposed rescission. This was a sophomoric idea and this idea was conceived by individuals who sought to gain some imagined election-year advantage by trotting out that old horse about wasteful spending by the Congress, and they got the President's ear. In spite of all this too-familiar rhetoric, the committee endeavored to take the matter seriously and cut what seemed to be unnecessary expenditures.

For example, the committee included a rescission of $500 million from the Department of Defense's inventory, which was not requested by the President. The President did not request this rescission. The committee held a hearing on this matter of excess Defense Department inventories, partly based on a "60 Minutes" piece which showed the magnitude of this problem. Senator GLENN, in his capacity as chairman of the Governmental Affairs Committee, and Senator LEVIN, who chairs the Subcommittee on Oversight of Government Management of the Governmental Affairs Committee, presented very compelling testimony to the Appropriations Committee on this important matter and recommended substantial reductions in appropriations for DOD inventories.

In addition, the committee took testimony from Mr. Frank Conahan, Assistant Comptroller General of the General Accounting Office. Mr. Conahan has been in charge of GAO audits of DOD inventories for a number of years. He testified that in 1989, the Pentagon had a 50-year supply for 1,241 items. There are clearly savings that can be obtained from a careful scrutiny of Defense Department inventory practices.

During Operation Desert Storm, the Defense Department purchased 60 rail-

road cars full of intravenous solution in anticipation of heavy casualties. No one would fault the department for preparing for such a scenario. But in drafting the pertinent contract, the DOD made no provision for the possibility that the IV solution might not be used. Since the war was mercifully brief and casualties mercifully light, the 60 boxcars went untouched and the Pentagon sold the solution back to the manufacturer at less than 45 cents on the dollar.

Of course the manufacturer then resold the product at its full value. It would have seemed to be a relatively simple matter to have structured this contract to take into account that the 60 boxcars of IV solution might not be needed, or at least a portion thereof. But this apparently was not the mindset at the Defense Department. One would think that if an individual were handling his own money, which in a sense he is, he would be more careful. He would be reflective, he would be more thoughtful, and he would likely foresee the possibility that there might be a need to return the supply and take that possibility into account in drafting the contract.

The motto of the Pentagon purchasing agents could well be: "If we might need it, buy it, buy lots of it, and buy it now."

Mr. President, this $500 million rescission is just a down payment in attacking the billions of dollars which can be saved in the coming years in this area of the DOD budget.

The committee substitute also includes a provision to reduce DOD Senior Executive Service personnel by 5 percent, not only for 1992, but also for 1993, 1994, and 1995. This cut in top management was not requested by the President, but it is commensurate with the cuts that will be necessary in the levels of enlisted men and women. It is entirely proper that top management be cut as well.

Mr. President, the unprecedented changes in the world situation and latest threat forecasts provide us with a historic opportunity to reevaluate how much of this country's precious resources we must devote to defense. The threat of global conflict is vanishing. The war in Afghanistan was the last battle of the cold war, and was won by the people of that country. The greatest threat now facing the United States is economic, not military. We must seize this opportunity to redirect our money and our energy into civilian programs that have a much greater impact on our economic situation.

I have always been a strong supporter of defense, including SDI, and have always favored using high technology to maintain our qualitative advantage. However, the military threats to the United States and its allies come increasingly from regional conflicts featuring short-range missiles like Scuds, not ICBM's. This rescission bill would cut $1.3 billion from the strategic defense initiative. Funds would be rescinded from those elements of SDI that focus on some nebulous long-term threat and exotic technologies, including space-based interceptors like Brilliant Pebbles, and the most abstract future-oriented research and development programs.

We have left in place the funds for theater missile defenses to protect our deployed forces and our allies from attack by short-range missiles such as the Scud. Funds to build the limited defense system at Grand Forks, ND, the first step in protecting the United States from limited ballistic missile attacks, also remain.

Last year, in the fiscal year 1992 Department of Defense authorization bill, we included the so-called Missile Defense Act provision, which sets out our policy on strategic defenses. The funding for SDI which we have preserved, $2.9 billion, fully funds that provision and is faithful to its policy and program thrust.

Current and future fiscal limits require that hard choices be made. With theater missile defense development and the Grand Forks system, we are meeting the existing military threat. At the same time, we should work to stem the proliferation of missile technology instead of simply seeking to counter it with expensive and grandiose concepts that rob the country of funds needed elsewhere.

Over $22 billion can be saved between 1992 and 2005 if the programs outlined in the rescission bill as reported by the Senate Appropriations Committee are ended. These are rescissions that are added by the Senate Appropriations Committee following the leadership of the able and distinguished Senator from Hawaii, the senior Senator, Senator INOUYE, chairman of the defense appropriations subcommittee.

I want to take this moment to congratulate Senator INOUYE and the other Senators on his subcommittee for the very capable work that they have done on this rescission bill. Every subcommittee took this bill seriously. Every subcommittee chairman took the President's message seriously, as did I, the chairman of the full Appropriations Committee.

I have working with me in a very fine way and very cooperative manner the distinguished ranking member of the full committee, the senior Senator from the State of Oregon, Senator HATFIELD. We work closely together.

As I sent the President's messages to all of the appropriations subcommittee chairmen, I urged them to take a serious look at the President's requests, and to approve the President's rescission requests where those requests were meritorious, but, at the same time, to scour other areas of appropriations, and to add rescissions which had not been included in the President's request where such rescissions would eliminate wasteful spending.

Senator INOUYE very faithfully followed my recommendations. Now under Senator INOUYE's recommendations, the ABM treaty would remain a cornerstone of international stability. Canceling the Brilliant Pebbles Program for orbiting space-based interceptors saves some $9 billion or more. Similarly, cutting funding for what is euphemistically called innovative technologies saves some $2 billion. And ending funding for directed energy weapons research and development, the follow-on to Brilliant Pebbles, saves another $11 billion over the years. Additional smaller savings would result from the reduction in the management and support segment, estimated by the General Accounting Office to consume 20 percent of all SDI funding between the years 1992 and 2005. This money can be better spent on programs that directly affect the economic health of the United States.

There are some who have suggested that these cuts in SDI were politically motivated—that they were a counterpunch intended to hit back at an administration move to cut the Seawolf submarine program. This is not the case. Portions of the SDI program are of dubious value in light of the collapse of the Soviet Union.

These are legitimate savings, they are serious savings, which can be made, which ought to be made, to reflect the altered defense needs of our Nation.

S. 2403, as reported, contains two rescissions that I recommended which will eliminate wasteful executive branch spending—wasteful executive branch spending by the National Science Foundation and by the National Institutes of Health.

As Members are aware, the Appropriations Committee approves funding for general categories of spending for various agencies, such as research, salaries and expenses, and so forth. These lump-sum appropriations are not administered by the Congress, but by the executive branch agencies, which are delegated that authority in Appropriations Acts. This is necessary because there are literally thousands of applicants for grants for many Government programs. Congress is in no position to review and act upon these thousands of grant requests. So we delegate this authority to the executive branch. We do our best to assure that the recipients of Federal funds, under the tight budgetary constraints that all agencies face, will be carefully selected on a prioritized basis.

Yet, an examination of a host of grants in the National Science Foundation led me to conclude that while there may be some theoretical value for these items, the American taxpayers may wonder why their hard-earned money is being spent on these items.

The committee substitute, therefore, will rescind, at my request, the unobligated balances of 31 National Science Foundation grants. The President when he announced his rescissions effort in the East Room of the White House on March 20, he made a rather interesting speech in which he attacked the "wasteful spending" of Congress. There is no doubt that all budgets contain waste to some degree, and there is no doubt that we ought to do what we can to eliminate wasteful expenditures. But there is enough on this platter to go around, enough wasteful spending to go around.

So to hear the Chief Executive speak on that occasion, to the effect that only Congress is guilty of wasteful spending—and the President singled out some examples of what he considered to be wasteful spending, and the Senate has gone along with some of them, but the President did not say anything about wasteful spending in the executive branch. Let me bring a few examples of wasteful spending by the executive branch to the attention of my colleagues, and to the attention of the American people.

First, a study of the sexual aggression in fish in Nicaragua; that is one of the wasteful expenditures that the executive branch was engaging in. Nothing was said about it in the East Room of the White House on March 20, but it is included in the Senate substitute, which eliminates that study of the sexual aggression in fish in Nicaragua. The importance of lawyers to the middle class; the personal identity of law school professors; the mating behavior of swordfish—these are other examples of executive branch programs that are rather exotic examples of wasteful spending. They were not mentioned in the East Room of the White House on March 20, but the Senate committee substitute will eliminate them all.

How the Chinese have sought employment in urban areas since 1949 is another wasteful expenditure. Another example of executive branch wasteful spending is: A comparison of the roles of intra and intersexual selection in the evolution of sex-limited mimicry of two swallowtail butterflies. The Senate Appropriations Committee has rescinded this wasteful executive branch funding.

Those in our research community might wonder why these particular executive projects received funding. Last year, the National Science Foundation received 52,880 proposals, totaling $11.9 billion. Of those, only 34 percent received funding, since the National Science Foundation budget is about $3 billion. Given the importance of the Foundation's work in manufacturing research, supercomputing, and biotechnology, which have direct ties to our future economic competitiveness, it is ludicrous that the National Science Foundation is spending limited resources on these unnecessary and wasteful items.

The committee recommends rescissions for three NIH grants totaling $367,000. These are rescissions that I offered by way of amendment to the bill when it came before the Appropriations Committee. The committee substitute rescinds $68,000 for a grant made by the National Institutes of Health to calibrate the amount of dental pain persons experience, by studying their facial expressions while in the dentist chair. That is a wasteful executive branch expenditure that was not mentioned in the East Room of the White House by the President on March 20, but it is included in this committee substitute at my insistence for elimination.

Another item in this bill that was not mentioned at the White House in the Oval Office on March 20 is: $205,000 for a grant that was made to study the incidence of dental fear in the population.

Well, common sense tells me that everybody fears going to the dentist. It is easy to save that $205,000. That is executive branch waste. I might go to the dentist two times a year, and I always fear going. So we do not need to waste money to study that. The Senator from Hawaii does not relish going to the dentist chair. The Senator from Oregon does not; we are all afraid to go there, but we have to go.

Another wasteful executive branch item that was not mentioned in the East Room of the White House on March 20—that eventful day when the President indicated he was going to send up all these rescissions and curtail wasteful spending in the Congress—was $94,000 for a grant to study why people fear the dentist.

Well, people have been fearing the dentist since Adam and Eve were driven from the garden for their sins, and people will continue to fear the dentist from now until kingdom come, and it will not require a $94,000 study to determine that.

I want to reemphasize that these items were not congressional earmarks; these items are not congressional "pork." Rather, they are grants made by the National Science Foundation and the National Institutes of Health—by the executive branch—under the general authority that is provided to those agencies in the appropriations acts. There are probably many more instances of wasteful spending that could be found as the committee continues to review executive branch spending policies and practices in the coming months. We do not have the staff resources that would be required to prevent or eliminate all the wasteful and unnecessary executive branch spending, but we do have a very dedicated and hardworking professional staff who will do their best to ferret out such profligacy and eliminate it.

We only have 82 staff people on the Senate Appropriations Committee. That is the whole shebang, from top to bottom, including our clerk typists—82. We have to survey the entire budget, whatever portions of the budget that come before the Appropriations Committee, and that certainly is less than half. And a great portion of that, the Appropriations Committee has no control over, because it is mandatory spending.

So we have a very dedicated, hardworking staff; 82 members. Yet, these 82 members have to face off the hundreds, the hundreds, of people who are working in the executive branch daily on the budget. There are over 500 persons in the Office of Management and Budget alone. That says nothing about the people who work on the budget in the various departments and agencies in this town. And yet we have only 82 here on the Senate Appropriations Committee—82 who have to match their brains with, and stand up against, this army of people in the executive branch.

The President talks a great deal about the growth of staff on Capitol Hill. We will go into that at a later date. The executive branch has experienced tremendous growth in staff.

The committee has also reported out a classified annex, which recommends certain rescissions in our intelligence budget. These recommendations are incorporated into the legislation, and are explained in a classified report which accompanies the annex. The annex and report are available for all Senators to review in the Defense Subcommittee office in the Dirksen Senate Office Building.

In conclusion, Mr. President, let me point out to Senators that rescissions are nothing new. All of the palaver about the President's attack on "wasteful spending" by the Congress and the idea that he was going to send up a lot of rescissions—someone on the Hill or downtown had discovered some language in the Congressional Budget Act that would permit them, they thought, to have a kind of a back door line-item veto. In other words, they would force a vote on every item that the President wanted rescinded. The truth of the matter is that the language has been there for all these years, since 1974. The President has listened to some wise guys who thought they were on to something and so the President let himself be tricked into throwing down the gauntlet.

The Congressional Budget and Impoundment Control Act of 1974 provides the authority for Presidents to request rescissions of appropriations. According to GAO, Presidents have, in fact, requested rescissions in every year since 1974 except for 1 year—1988. The total number of Presidential rescission requests for the period 1974 through April 14, 1992, is 1,012 for a total

amount of $69,273,034,690. Of those numbers submitted by the President, Congress accepted 324 rescissions totaling $19,311,454,366. In addition, congressionally initiated and enacted rescissions for the period 1974 through March 9, 1992, totaled 378 rescissions for a total dollar amount of $43,798,239,022.

When one adds the total Presidential rescission requests which were approved by Congress over this period, $19,311,454,366, and the congressionally initiated rescissions of $43,798,239,022, one gets a total of $63,109,693,388 in rescissions that have been enacted since the enactment of the Congressional Budget and Impoundment Control Act of 1974, and prior to the President's March 10, March 20, April 8, and April 9 rescission requests.

When one adds to this total of $63,109,693,388, the total rescissions recommended in the pending measure, $8,287,546,644, one gets a total of $71,397,240,032 that will have been rescinded if the committee's recommendations in S. 2403 are enacted. That total is $2,124,205,342 more than the total of all rescissions that have been requested by all Presidents since 1974. So, again I say, rescissions are nothing new. The Committees on Appropriations of the House and Senate have approved rescissions in every year since enactment of the Congressional Budget and Impoundment Control Act. As I have stated, the total amount of enacted rescissions will exceed those requested by Presidents if, the amount of rescissions recommended in S. 2403 is enacted, by an amount of $2,124,205,342.

Now what is different about this particular rescission bill is the fact that the President chose to enter into a political battle with the Congress over rescissions. He listened to the advice that he was given, so he chose to do battle with the Congress over rescissions. On March 20, the President announced he intended to send Congress on that day—and I read from his statement, these are President Bush's words:

> * * * the first of a series of additional measures to cut federal spending now, this year. I have also directed all agency heads to look for further areas where spending cuts can be made now.
>
> The line item rescissions identified so far in total, will cancel out about $4 billion in unnecessary spending. Funds for local parking garages, $100,000 for asparagus yield declines, meat research, prickly pear research. The examples of wasteful spending destroys public confidence in the integrity of the government. And Americans have every right to be outraged and disgusted. It is their money. And I will work with the Republicans in the House to bring these items to a vote individually, forcing the Democratic leadership to allow line by line votes on items of pork will bring us a step closer to the accountability and the power that 43 governors have, the line item veto.

So there you have it, all on the President's word. He wants a line-item veto. But his own Attorney General, Attorney General Barr, has said that the line-item veto is not in the Constitution; the Constitution does not give to the President line-item veto power. And so this alternative course of action was decided on, I am sure, by the President's advisers, and perhaps some people on the Hill.

I do not charge the President with knowing all that much about the Senate rules or the Budget Impoundment Control Act of 1974. There is no reason why he should. But this was kind of a back-door way of getting something akin to, or perhaps a clone of, the line-item veto.

The President decided he was going to make the Congress vote on every item, and then the press indicated that we could expect quite a few of those rescission measures this summer. I am reading from UPI, one paragraph:

> White House Press Secretary Marlin Fitzwater told reporters Bush contemplates canceling some 1,300 other projects in the future.
>
> Bush cited several examples of his cancellation of what he called porkbarrel, items, which would be funny if the effect were not so serious.

I have included in the committee substitute some executive branch wasteful items that would also be funny if the effect were not so serious.

And there you have it. The White House, according to Marlin Fitzwater, was going to cancel some 1,300 other items and going to try to get a vote on every item. So we can count on a long, hot summer with vote after vote after vote after vote on 1,300 items.

Mr. President, Congress' record in responding to all Presidential rescission requests sine 1974 is excellent. We have approved and enacted more dollars in rescissions than the various Presidents have requested. The pending measure recommends $424,773,954 more in budget cuts than President Bush requested in his March 10 and March 20 and April 8 and April 9 messages.

Having said that, I hasten to add that rescissions have not been used in the past to reduce the deficit. Let me repeat that. This may come as a surprise to some of our colleagues and to some of our friends in the media: Rescissions have not been used in the past to reduce the deficit. Instead, under the tight budgetary constraints that have faced the Appropriations Committees for the past 12 years, rescissions have most often been made in annual and supplemental appropriations bills, and the savings then used to fund increases for higher priorities.

So when the President makes his speeches and asks for rescissions, and makes it sounds like this is the way to balance the Federal budget—bless his heart, I like him personally; I like him personally—he is playing petty partisan politics and pandering to the American people and to the insatiable appetite on the part of the press for material with which to engage in Congress-bashing. That is it: Congress-bashing.

I believe this type of rhetoric ultimately further undermines the credibility of the executive branch and of the Congress. The impression is left that this exercise in enacting rescissions will seriously cut the deficit, and then the American people are even more outraged to pick up the morning newspaper and discover that the deficit has not been significantly reduced. In short, this process can serve a useful purpose, but it is no panacea for getting our deficits under control. It should not be painted as such, and it should not be used as a political tool for election-year advantage.

The type of rhetoric that we have heard over this rescission matter only further polarizes the executive branch and the Congress, contributes to a lack of serious understanding about the cause of our budget deficits, and makes genuine steps toward a real solution to our massive budget problems more difficult.

The President's decision to join this battle by proposing that each and every item for which he requested a rescission be voted on individually was purely and simply a political decision. When the President threw down the gauntlet in the East Room of the White House and entered into a political battle on rescissions, he should have known that his battle is a battle that the administration cannot win. Under the law, the Congress can merely sit on the President's rescission requests for 45 days, and he is required under the law to proceed to obligate the moneys.

But we did not choose to sit on the President's request. We chose to be serious and to meet the President halfway, and to give his proposals careful study, and to go along with those that had merit; but also to add some, as I have indicated, that have merit, but which are examples of executive branch wasteful spending that can be done without.

The Congress had no choice other than to respond to the President's challenge. I hope that we will soon see the end of this ill-conceived strategy by the White House. I hope that the President's advisers will convince him that this strategy is counterproductive.

To those who say that the President will veto this rescission bill because it does not contain all of the rescissions he requested, or because it cuts more than he would like from the SDI or the B-2, my response is that the SDI is Presidential "pork" in the sky; it should be cut; it will cost billions and billions of dollars that we do not have, to defend ourselves from threats that are nonexistent. Our real threats are here at home; they are on the ground. They include the lack of Presidential leadership to reduce campaign reform; the Federal deficit, which will not be

brought under control without Presidential leadership; our crumbling infrastructure, both human and physical, which has been devastated over the past 12 years and will continue to suffer real cuts under the administration's budget proposals for the coming 4 years; and comprehensive health care, for which the President will not even submit legislation.

If the President vetoes this bill, that is his right. But let him answer to the American people, then, as to why he vetoed a rescission bill. He started the fight. He sent up the rescission messages. Congress is giving these messages serious examination. Now, if he wants to veto a rescission bill, that is his right. But the rescissions he has requested will not go into effect if he vetos a rescission bill.

Senators should remember that the Congress did not provoke this exercise; the President did. We have included a number of rescissions which should be made, and which I hope will be enacted. We have carefully considered the President's proposals. To be fair, I believe the White House must carefully weigh our serious attempt to do what we have been asked to do. I hope that the President will sign this bill, if it is passed, and I hope it will pass.

Let me state again that we have exceeded the amount of rescission dollars which the President requested. We have acted in good faith, and we have made legitimate savings.

I hope that all Senators will support this bill. There are a number of rescissions which were requested by the President which the committee has not approved. But the committee has done its best to meet the President's challenge and to recommend its rescissions for items which were not requested by the President, but which the committee believes should be rescinded.

There will obviously be changes to S. 2403 in our conference with the House. There is always some give and take in appropriations conferences, and this bill will be no exception.

I urge Senators to vote for S. 2403 so that we can get to conference and quickly complete action on this rescission bill.

Let us not engage in any more political warfare. I believe that the American people are sick to death of charges, countercharges, finger pointing, gridlock, speechmaking, and tired rhetoric about who John and who is responsible for what. I hope that we can yet salvage some dignity out of this unfortunate rescission game and pass this responsible attempt to comply with the President's request.

Mr. President, I ask unanimous consent that a letter from the Comptroller General of the United States and tables regarding the rescissions enacted by Congress during the fiscal years 1974 to the present, to which I have alluded in my opening remarks, be printed in the RECORD.

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

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, DC, April 30, 1992.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: In the past we have informally provided a variety of statistical data concerning rescissions proposed and enacted from passage of the Impoundment Control Act of 1974 to the present. Given the level of interest in this data, we have decided to regularize our data collection and reporting processes with respect to rescission proposals. Accordingly, to keep the Congress apprised of the amount and frequency of rescissions proposed and enacted, we will, beginning with this report, submit periodically the following rescission information:

A table showing by fiscal year from 1974 to the present, (1) the aggregate number and amount of rescissions proposed by the President, (2) the aggregate number and amount of those proposals enacted by the Congress, and (3) the aggregate number and amount of rescissions initiated by the Congress, (4) the total number of rescissions enacted and the total amount of budget authority rescinded by Congress, with grand totals for each category (Attachment I);

A table showing by fiscal year from 1974 to the present, and by Presidential administration, the aggregate number and amount of rescissions proposed and enacted. The table also displays the number and amount of Congressional rescissions by Administration with grand totals for each category (Attachment II);

A list, by agency and program, of rescissions proposed by the President from 1974 to the present (Attachment III);

A list of rescissions proposed by the President and enacted by the Congress from 1974 to the present (Attachment IV); and,

A list of rescissions initiated and enacted by the Congress from 1974 to the present, i.e., rescissions which were not proposed in the Presidents' special impoundment messages (Attachment V).

We also wish to point out that the current product reflects a number of revisions and adjustments to previously submitted historical tables. For example, we have added several rescissions which were not styled as such in the applicable legislation; credited certain rescissions to a different fiscal year than we had previously credited them; and added rescissions which our initial search, for various reasons, did not discover. As we identify the need for further adjustments, if any, we shall include them in future submissions.

I trust you will find this information useful.

Sincerely yours,
MILTON J. SOCOLAR
(for the Comptroller General
of the United States).

SCOPE AND METHODOLOGY

We prepared the attached lists as follows. To identify Presidential rescission proposals, we reviewed each special message submitted by the Presidents pursuant to the Impoundment Control Act of 1974, 2 U.S.C. §683 (1988), from 1974 through April 14, 1992. To identify rescissions enacted, we analyzed appropriations, supplemental appropriations, and other acts of Congress enacted since 1974. In order to develop a list of all rescissions enacted during each fiscal year for the subject time period. Our computer-assisted research methodology focused on locating variations of the verb "to rescind" as the operative legislative language. We supplemented our computer-based research with manual searches of applicable laws, general discussions with other knowledgeable sources such as staff of the House Appropriations Committee, and other generally available information. The second step of our search served not only to check the accuracy of the results of our initial research step, but also to capture those rescissions of budget authority that are not so styled or denoted in the applicable legislation.[1]

On the basis of our research, we compiled a list of rescissions by fiscal year from 1974 to 1992. To identify Presidential rescission proposals that were enacted, we matched our list of rescissions against our list of rescission proposals submitted to the Congress by the President pursuant to the Impoundment Control Act.[2] We classified those rescissions that were not related to Presidential proposals as Congressionally initiated rescissions.

In order to confirm the accuracy of our statistics from fiscal years 1974 to the present, we consulted with the staff of the House Appropriations Committee (House Appropriations) which independently tracks all rescissions considered in the appropriations process.[3] For the most part, our rescission statistics and those of House Appropriations match. There were, however, some rescissions which, for various reasons, we did not discover in our initial search. Moreover, House Appropriations and our Office differed on whether some enactments should or should not be counted as rescissions. Following is a brief explanation of our treatment of certain types of rescissions as well as explanations of those items with which we disagreed with House Appropriations.

RECISSIONS OF AN INDEFINITE OR UNCERTAIN AMOUNT OF BUDGET AUTHORITY

We have not counted what are legislatively denoted as "rescissions" unless and until we can establish the amount thereof. Once we ascertain the amount of budget authority rescinded as a result of an indefinite rescission, we adjust our historical data and tables accordingly.

For example, we did not count a routine annual rescission of contract authority provided to the Land and Water Conservation Fund which appears in the Department of Interior and Related Agencies Appropriations Acts. See, e.g., Pub. L. 102-154, 105 Stat. 998 (1991); Pub. L. 101-512, 104 Stat. 1922 (1990); Pub. L. 100-202, 101 Stat. 1329-221 (1987). The reason we initially excluded this rescission from our statistics was that we did not know the specific amount of budget authority re-

[1] Examples of this category of rescissions are $75,000,000 rescission in the Conservation Reserve Program, and a $600,000,000 rescission in the Hazardous Substance Response Fund.

[2] We counted the President's proposed rescissions as proposals enacted by Congress whenever the Congress approved those proposals, i.e., without regard to the 45-day period applicable to rescissions contained in the Impoundment Control Act. 2 U.S.C. §683(b). Hypothetically, if the President proposed a rescission in March 1989, the 45-day period would typically run in May 1989. Nonetheless, we would consider that rescission to be one proposed by the President and enacted or approved by the Congress, even if the Congress did not approve the proposed rescission until later in 1989.

[3] One difference between our statistics and those of House Appropriations is that we count rescissions that are contained both in appropriations and authorization acts. House Appropriations tracks only those rescissions that result from the appropriations process.

scinded when we compiled our statistics. We have confirmed, however, that the annual amount rescinded for fiscal years 1982 to 1992 is $30,000,000 and now have included these amounts for those fiscal years in our statistics.

Our Office does not count as rescissions several routine annual rescissions in the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriation Act. See, e.g., Pub. L. 102-139, 105 Stat. 745 (1991); Pub. L. 100-404, 102 Stat. 1015 (1988). The rescission for annual contributions for assisted housing typically provides that up to a certain amount (or an indefinite amount) of budget authority that is recaptured by the Department during the fiscal year is rescinded. However, since we have not determined what the specific amount of budget authority rescinded is, we have not, to date, included these rescissions in our statistics.[4] House Appropriations also does not count these as rescissions.

An exception occurred in fiscal year 1986 and involved a $5,250,000,000 rescission of HUD funds for Annual Contributions for Assisted Housing. Pub. L. 99-349, 100 Stat. 727 (1986). Originally, we viewed this as an indefinite rescission which, as already explained, we typically exclude from our rescission statistics until we can verify the amount of the rescission. This rescission, however, states that "not less than" $5.25 billion shall be rescinded. Since the language rescinds a specific, minimum amount, we have included this amount as rescinded in our statistics.

We also have not counted in previous fiscal years the rescissions contained in the rental housing assistance program or the rent supplement program. These rescissions typically state that limitations applicable to maximum payments are reduced by "not more than" a certain amount. See, e.g., Pub. L. 102-139, 105 Stat. 748 (1991). At the time we compiled our statistics, we did not determine the final amount rescinded, and accordingly we have routinely excluded such indefinite rescissions from our calculations. House Appropriations also does not count these rescissions.

Another rescission we did not include in our statistics occurred in fiscal year 1986. The Congress rescinded the unobligated balances of funds available to the U.S. Synthetic Fuels Corporation as of the date of enactment of the Department of Interior Appropriation for 1986. Pub. L. 99-190, 99 Stat. 1249 (1985) (appropriation accounts: Energy Security Reserve, Department of the Treasury). The statute did not identify the total amount of the rescission. In addition, the statute contained several provisions reserving funds from rescission and allowing them to be used for specified purposes. Although House Appropriations estimates the amount rescinded to be $6,900,000,000, neither we nor House Appropriations have included this rescission in our tables because we have not to date confirmed the amount rescinded.

OTHER ADJUSTMENTS—DRUG INITIATIVE APPROPRIATION RESCISSIONS

In fiscal year 1990, there were several rescissions and reductions of budget authority in the Department of Transportation Appropriations Act of fiscal year 1990. Pub. L. 101-164, 103 Stat. 1109, 1110 (1989). House Appropriations did not count these amounts as rescinded budget authority because, in their view, Congress was adjusting appropriations to permit funding of certain drug initiatives. We do not agree that these rescissions are merely adjustments. Rather, we have counted them as rescissions. We consider any legislation that eliminates previously enacted and currently available budget authority as a rescission.

In the Transportation Appropriation Act, signed into law on November 21, 1989, there were several rescissions and reductions that affect budget authority previously enacted. For example, we count a reduction of $46,000,000 in budget authority in the Nuclear Waste Disposal Fund account appropriated by the Energy and Water Development Appropriations Act, signed into law on September 29, 1989, as a rescission because it involves a cancellation of pre-existing budget authority. See id. 103 Stat. at 1108. Also, we count six rescissions involving the Department of the Treasury and GSA, id. 103 Stat. at 1109, 1110, as rescissions because they are reductions of currently available budget authority enacted on November 3, 1989, in the Treasury, Postal Service and General Government Appropriations Act, 1990. Pub. L. 101-136, 103 Stat. 783 (1989).

An example of a reduction that we did not consider to be a rescission occurred in the Transportation Act's across-the-board reduction of 0.43% of discretionary accounts in the Legislative Branch Appropriation Act, 1990. Both the Transportation and the Legislative appropriations acts were signed on the same day, November 21, 1989. Thus, the "reduction" was of budget authority that had not yet become effective. Therefore, we do not consider this reduction to be a rescission.

TIMING ADJUSTMENTS

There are a number of rescissions which we previously credited to one fiscal year, but upon further examination we conclude that they should have been credited to another fiscal year. For example, we moved eight rescissions previously counted as Presidentially proposed and enacted by the Congress in FY 1990 to the same column for FY 1991. This change requires some explanation. On June 28, in fiscal year 1990, the President proposed eight rescissions in DoD accounts for military construction and family housing. The Congress, however, did not complete action on the proposals within the 45 day period of continuous congressional session specified by the Impoundment Control Act and thus the budget authority was released for obligation on September 24, 1990. See GAO/OGC-90-12, October 4, 1990. On November 5, 1990, however, 41 days after the funds were released for obligation, Congress, in fiscal year 1991, enacted the Military Construction Appropriation Act for that fiscal year. Pub. L. 101-519, 104 Stat. 2240 (1990). The Act approved all of the rescissions proposed by the President on June 28, 1990, with the exception of rescissions proposed in 3 programs.[5] See H.R. Rep. No. 101-608, 101st Cong., 2nd Sess. 3 (1990) (recommending approval of rescissions requested by the President); Sen. Rep. No. 101-410, 101st Cong., 2nd Sess. 9 (1990) (recommending approval of rescissions requested by the President). Since the Congress did in fact approve the President's proposals, we have included the eight rescissions within the totals for rescissions Presidentially proposed and enacted by the Congress in the fiscal year 1991 column.[6] Neither OMB, in its cumulative reports, nor House Appropriations count the rescissions as approved by the Congress.

This type of misclassification also occurred in fiscal year 1978 for Presidential rescission proposals enacted by the Congress (R77-18 and R77-19). These proposals, totalling $463,400,000, were approved by the Congress for rescission in fiscal year 1978, not 1977.

We also made a timing adjustment for rescissions in HUD's Annual Contributions for Assisted Housing programs. We credited this rescission in our previous tables to fiscal year 1986. The statutory language of the rescission in Public Law 99-349, however, specifically states that the rescission is of budget authority becoming available "during fiscal year 1987" and the rescission is effective "on or after October 1, 1986 and before September 30, 1987." Pub. L. 99-349, 100 Stat. 727 (1986). Therefore, we now count this rescission in fiscal year 1987.

We also made timing adjustments with respect to a number of minor rescissions. See, e.g., Pub. L. 98-367, 98 Stat. 472 (1984); Pub. L. 97-102, 95 Stat. 1454 (1981); Pub. L. 95-96, 91 Stat. 802 (1977).

RESCISSIONS NOT DETECTED USING OPERATIVE TERM "RESCIND"

There were several rescissions that we did not detect in our initial search because although they had the effect of a rescission, they did not use the verb "to rescind" as the operative legislative language. For instance, a $75,000,000 reduction in funds appropriated for the Conservation Reserve Program did not use the term "rescind" or "rescission". Pub. L. 101-45, 103 Stat. 107 (1989). Instead, the statutory language deletes the sum previously appropriated and inserts another lesser sum which, in effect, rescinds previously appropriated budget authority. Two other examples are a $9,100,000 rescission in fiscal year 1974 of Grants to the National Railroad Passenger Corporation (Pub. L. 93-98, 87 Stat. 336) and a $1,188,000,000 rescission in fiscal year 1974 of Grants to States for Public Assistance (Pub. L. 93-305, 88 Stat. 203). In both cases, the statutes referred to the "rescissions" as "reductions" in appropriations.

Similarly, we did not initially detect a $600,000,000 rescission in the Hazardous Substance Response Trust Fund because the Act of Congress (Pub. L. 99-591, 100 Stat. 3341-242 (1986)) reducing the amount of budget authority available to the fund did not refer to any "rescission" in the account. Instead the Act appropriated funds "to the extent and in the manner provided for in the conference report and the joint explanatory statement of the committee on conference [House Report 99-977] * * * as if enacted into law." House Report 99-977 contained the rescission language. A $5,000,000 rescission of Alcohol Safety Incentive Grants was not detected for the same reasons. Id. 100 Stat. 3341-308.

The last example of this type of adjustment was a $203,312,000 rescission of GSA Construction funds in Pub. L. 93-143, 87 Stat. 518 (1973). This rescission used the phrase "shall revert to the Treasury" to achieve the reduction in appropriations; therefore, our initial computer search did not detect it.

OTHER RESCISSIONS

Following is a list of rescissions (identified by fiscal year) that were either not detected

[4] In some of the charts submitted in previous years the ceiling amounts for these rescissions were included in our statistics. However, we have deleted all references to these rescissions and adjusted our tables (Attachments I and II) accordingly.

[5] Budget authority for the following individual projects was not rescinded: Central District Center, Phase III, Red River, Texas, $39,000,000 in proposed rescission R90-4; Addition to Flight Simulator, Luke Air Force Base, Arizona $1,900,000 in proposed rescission R90-5; Installation of Fireplaces in SOQ, WPAFB, Ohio $56,000 in proposed rescission R90-10.

[6] We also note that the amount of budget authority approved for rescission is $286,419,000 and not $513,302,000 as previously stated.

in our initial search pattern, or were not included, whether because of transcription or clerical error, in our previously submitted rescission statistics.

Fiscal Year 1992: $3,190,000: two rescissions in the Legislative Appropriations Act for fiscal year 1992. Pub. L. 102-90, 105 Stat. 451, 470 (1991).

Fiscal Year 1991: $26,000,000: rescission of Military Construction, Air Force funds. Pub. L. 101-519, 104 Stat. 2241 (1990); $8,262,000: rescission of funds provided for the Judiciary. Pub. L. 102-55, 105 Stat. 294 (1991); $250,000; rescission in the Legislative Appropriations Act, fiscal year 1992, Pub. L. 102-90, 105 Stat. 451 (1991), but specifically retroactive to fiscal year 1991 appropriation; $23,000,000: rescission in an administrative provision for HUD Annual Contributions to Assisted Housing. Pub. L. 102-27, 105 Stat. 151 (1991).

Fiscal Year 1990: $47,700,000: rescission of budget authority for the Federal Water Pollution Control Act. Pub. L. 101-144, 103 Stat. 857 (1989);

Fiscal Year 1989: $10,600,000: rescission of fiscal year 1989 Research, Development, Test, and Evaluation, Navy, funds in the 1989 Act Implementing the Bipartisan Accord on Central America. Pub. L. 101-14, 103 Stat. 39 (1989).

Fiscal Year 1986: $210,000: rescission of Office of Surface Mining Reclamation and Enforcement budget authority. Pub. L. 99-349, 100 Stat. 732 (1986); $10,000,000: rescission of FBI funds for a relocation. Pub. L. 99-349, 100 Stat. 715 (1986).

Fiscal Year 1985: $1,287,000: this rescission (number R85-236) for ACTION was inadvertently deleted from our tables for Presidential rescission proposals enacted by Congress.

Fiscal Year 1982: $1,505,000: rescission in the Legislative Branch Appropriation Act, Pub. L. 97-51, 95 Stat. 958 (1981).

Fiscal Year 1981: $13,500,000: rescission of funds provided for Human Development Services. Pub. L. 97-12, 95 Stat. 55 (1981); $46,400,000: this was a rescission of Senate Funds. Pub. L. 97-12, 95 Stat. 61 (1981); in the table for Presidential rescission proposals enacted by the Congress, for rescission number R81-81, HUD Community Planning and Development, the amount approved by the Congress for rescission was $15,976,000 and not $34,976,000.

Fiscal Year 1980: $10,000,000: rescission of funds appropriated for the Mutual Self-Help Housing program. Pub. L. 96-304, 94 Stat. 858 (1980); $1,000,000: rescission of funds appropriated for contingent expenses of the Senate. Pub. L. 96-304, 94 Stat. 889 (1980); $220,000,000: rescission of funds appropriated for the purchase of government furniture. Pub. L. 96-304, 94 Stat. 927 (1980).

Fiscal Year 1977: $13,900,000: rescission of contract authority for Public Lands Development Roads and Trails. Pub. L. 94-373, 90 Stat. 1043 (1976); $118,995,000: rescission of contract authority for Road Construction. Pub. L. 94-373, 90 Stat. 1047 (1976); $39,827,943: rescission of contract authority for Roads and Trails. Pub. L. 94-373, 90 Stat. 1056 (1976).

SUMMARY OF RESCISSIONS ENACTED BY CONGRESS

[Fiscal years: 1974—Current]

	Number of rescissions proposed by President	Total amount proposed by President for rescission	Number of proposals accepted by Congress	Notes	Total amount of proposals enacted by Congress	Number of rescissions initiated by Congress	Total amount of rescissions initiated by Congress	Total rescissions enacted	Total amount of budgetary authority rescinded
Fiscal year:									
1992	128	$7,879,473,690	0	1	0	27	$1,415,567,000	27	$1,415,567,000
1991	30	4,859,251,000	8	2	$286,419,000	26	1,420,467,000	34	1,706,886,000
1990	11	554,258,000	0	.....	0	71	2,304,986,000	71	2,304,986,000
1989	6	143,100,000	1	.....	2,053,000	11	325,913,000	12	327,966,000
1988	0	0	0	.....	0	61	3,888,663,000	61	3,888,663,000
1987	73	5,835,800,000	2	.....	36,000,000	52	12,359,390,675	54	12,395,390,675
1986	83	10,126,900,000	4	.....	143,210,000	7	5,409,410,000	11	5,552,620,000
1985	245	1,856,087,000	98	.....	173,699,000	12	5,458,621,000	110	5,632,320,000
1984	9	636,400,000	3	.....	55,375,000	7	2,188,689,000	10	2,244,064,000
1983	21	1,569,000,000	0	.....	0	11	310,605,000	11	310,605,000
1982	32	7,907,400,000	5	.....	4,365,486,000	5	48,432,000	10	4,413,918,000
1981	133	15,361,900,000	101	3	10,880,935,550	43	3,736,490,000	144	14,617,426,150
1980	59	1,618,100,000	34	.....	777,698,446	33	3,238,206,100	67	4,015,902,546
1979	11	908,700,000	9	.....	723,609,000	1	47,500,000	10	771,109,000
1978	12	1,290,100,000	5	.....	518,655,000	4	67,164,000	9	585,819,000
1977	20	1,926,930,000	9	.....	813,690,000	3	172,722,943	12	986,412,943
1976	50	3,582,000,000	7	.....	148,331,000	0	0	7	148,331,000
1975	87	2,722,000,000	38	.....	386,295,370	1	4,999,704	39	391,295,074
1974	2	495,635,000	0	.....	0	3	1,400,412,000	3	1,400,412,000
Total: 1974-92	1,012	69,273,034,690	324	4	19,311,454,366	378	43,798,239,022	702	63,109,693,388
S. 2403	.....	.....	.....	.....	.....	.....	.....	.....	8,287,546,644
Total	.....	.....	.....	.....	.....	.....	.....	.....	71,397,240,032
Total rescissions enacted by Congress in excess of amounts requested by various Presidents (1974-1992), including rescissions contained in S. 2403	.....	.....	.....	.....	.....	.....	.....	.....	2,124,205,342

Notes.—As of April 14, 1992. These entries include 127 proposed rescissions in the total amount of $7,862,773,690 which the Congress is currently considering. The Military Construction Appropriations Act, Fiscal Year 1991, approved most of the rescissions proposed by the President in Fiscal Year 1990, 41 days after the funds were released for obligation under the Impoundment Control Act. The following individual projects were not "approved" for rescission: Central District Center, Phase III, Red River, Texas—$39,000,000 in proposed rescission R90-4; addition to Flight Simulator, Luke Air Force Base, Arizona—$1,900,000 in proposed rescission R90-5; installation of fireplaces in SOQ, WPAFB, Ohio—$56,000 in proposed rescission R90-10.Thirty-three rescission proposals for $1,142,364,000 proposed by President Carter in Fiscal Year 1981 have not been included in this table because the rescissions were converted to deferrals by President Reagan in his Fifth Special Message for Fiscal Year 1981, dated February 13, 1981. The total amount of budgetary authority rescinded is understated due to rescissions of indefinite amounts, as explained in the scope and methodology statement. (see enclosure).

RESCISSIONS BY PRESIDENTIAL ADMINISTRATION UNDER THE IMPOUNDMENT CONTROL ACT

	Rescissions proposed by President Bush		Presidential proposals accepted by Congress			Rescissions initiated by Congress during Bush administration	
	Number	Total amount	Number accepted	Total amount	Percent accepted	Number	Total amount
Fiscal year:							
1992	128	$7,879,473,690	0	.....	0	27	$1,415,567,000
1991	30	4,859,251,000	8	$286,419,000	27	26	1,420,467,000
1990	11	554,258,000	0	.....	0	71	2,304,986,000
1989	0	0	0	.....	0	11	325,913,000
Total	169	13,292,982,690	8	286,419,000	5	135	5,466,933,000

	Rescissions proposed by President Reagan		Presidential proposals accepted by Congress			Rescissions initiated by Congress during Reagan administration	
	Number	Total amount	Number accepted	Total amount	Percent accepted	Number	Total amount
Fiscal year:							
1989	6	$143,100,000	1	$2,053,000	17	0	0
1988	0	0	0	0	0	61	$3,888,663,000
1987	73	5,835,800,000	2	36,000,000	3	52	12,359,390,675
1986	83	10,126,900,000	4	143,210,000	5	7	5,409,410,000
1985	245	1,856,087,000	98	173,699,000	40	12	5,458,621,000
1984	9	636,400,000	3	55,375,000	33	7	2,188,689,000
1983	21	1,569,000,000	0	0	0	11	310,605,000
1982	32	7,907,400,000	5	4,365,486,000	16	5	48,432,000
1981	133	15,361,900,000	101	10,880,935,550	76	43	3,736,490,600
Total	602	43,436,587,000	214	15,656,758,550	36	198	33,400,301,275

	Rescissions proposed by President Carter		Presidential proposals accepted by Congress			Rescissions initiated by Congress during the Carter administration	
	Number	Total amount	Number accepted	Total amount	Percent accepted	Number	Total amount
Fiscal year:							
1981	33	$1,142,364,000	0	0	0	0	0
1980	59	1,618,100,000	34	$777,696,446	58	33	$3,238,206,100
1979	11	908,700,000	9	723,609,000	82	1	47,500,000
1978	12	1,290,100,000	5	518,655,000	42	4	67,164,000
1977	7	791,552,000	2	96,090,000	29	3	172,722,943
Total	89	4,608,452,000	50	2,116,050,446	56	41	3,525,593,043

Note.—The 33 rescissions proposed in 1981 by President Carter were converted to deferrals by President Reagan in his fifth special message of fiscal year 1981, dated Feb. 13, 1981.

	Rescissions proposed by President Ford		Presidential proposals accepted by Congress			Rescissions initiated by Congress during the Ford administration	
	Number	Total amount	Number accepted	Total amount	Percent accepted	Number	Total amount
Fiscal year:							
1977	13	$1,135,378,000	7	$717,600,000	54	0	0
1976	50	3,582,000,000	7	148,331,000	14	0	0
1975	87	2,722,000,000	38	386,295,370	44	1	$4,999,704
1974	2	495,635,000	0	0	0	3	1,400,412,000
Total	152	7,935,013,000	52	1,252,226,370	34	4	1,405,411,704

Mr. BYRD. My colleague, Senator HATFIELD, is attending a meeting just now off the floor. I will yield the floor, and he will make whatever remarks he wishes to make upon his return.

I again congratulate my friend, Senator INOUYE, on the work that he has put into this effort, and I thank him for that work.

Mr. INOUYE. Mr. President, before I proceed, I wish to commend the chairman of the full committee, the Senator from West Virginia, for this most comprehensive and definitive presentation on this very complex issue. And, on a personal note, I thank my chairman for his very, very generous remarks.

Mr. BYRD. I thank the Senator, who is the ranking member on the Democratic side on the committee.

Mr. President, I yield such time as the Senator may require off the bill.

The PRESIDING OFFICER (Mr. GORE). The Senator may proceed.

Mr. INOUYE. Mr. President, the President proposed to rescind $7 billion from funds under the jurisdiction of the defense subcommittee. Thursday last, Mr. President, I presented a much more definitive statement on the issue before us but I believe that as chairman of the subcommittee on defense I am obligated to give this summary.

Of this amount, $2.9 billion was from the Navy's *Seawolf* submarine program. The second largest rescission of $1.1 billion was for equipment for our National Guard and Reserve Forces. Together these two areas account for more than $4 billion of the President's $7 billion defense rescission request.

In addition, the President proposed to rescind funds from several programs which were key to our overwhelming victory in Operation Desert Storm. These include $133 million from the Army's AHIP helicopter, $225 million to upgrade the M-1 tank, and $130 million from the Navy's smart missile, Slam. The recommendations included in the bills before the Senate reject virtually all of the President's proposals in these areas.

At the direction of the chairman of the committee, the recommended rescission of funds under the jurisdiction of the Defense Subcommittee contained in S. 2403 are equivalent to the amounts proposed by the President. In fact, the committee bill recommends rescissions of $7.068 billion, $63 million more than proposed by the President. The committee bill supports the construction of two *Seawolf* submarines, but rescinds $565 million from the *Seawolf* program for items which would have been for future *Seawolf* production.

To reach the total amount requested for rescission by the President, the committee recommends reductions of $1.3 billion from the Strategic Defense Initiative, $1 billion from the B-2 bomber and $131 million from the national aerospace plane. Even with this reduction in SDI, sufficient funds would remain in the program to safeguard all funds provided for the Theater Missile Defense Program proposed by the Congress last year. The funds from the B-2 program are available for rescission because of fencing language included in the Defense Authorization Act.

Under that act, this $1 billion cannot be obligated in fiscal year 1992. Therefore, the funds are not needed at this time. The Appropriations Committee will reconsider this matter in conjunction with the 1993 budget request.

In other matters of interest, the committee bill includes a general provision which would eliminate funds provided as grants to specific universities as proposed by the President.

The committee bill also proposes a provision to eliminate funds earmarked for museums. The provision goes further and denies the use of any funds for military museums. It seems fair if the museums proposed by Congress last year are not to be funded, then no museums should be funded.

Mr. President, the defense portion of this bill is very long and detailed. Some 120 programs are recommended for reductions. The specific recommendations are described in the reports, which have been made available to all Members. So I urge my colleagues to support the bill as proposed by the Senator from West Virginia, the chairman of the Appropriations Committee.

I yield the floor.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Michigan [Mr. LEVIN]. How much time does he require?

Mr. LEVIN. May I have 15 minutes?

Mr. BYRD. I yield 15 minutes, then, off the amendment.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. First, let me thank the chairman for yielding the time. I commend him and Senator INOUYE for the tremendous work they have put in on this subject. I support what they have done, and I want to focus on just one aspect of what they have done, which is the rescission relative to the inventory budget item that the Pentagon had in last year and does not need because they have so much excess. It is a subject Senator BYRD and Senator INOUYE and I have talked about at some length. I worked closely with them and their staffs on this subject, and I would like to spend some time on it this morning.

Mr. BYRD. Mr. President, I thank the Senator from Michigan for his generous remarks. I am sure I speak on behalf of Senator INOUYE, who is here as well. But I also want to thank the Senator for his leadership, his excellent leadership, and the great amount of study and the mountainous amount of work he has done on this matter as a member of the Senate Armed Services Committee. It was the Senator from Michigan who really opened the door, pointed the way, and led us in this direction. I thank him and congratulate him.

Mr. LEVIN. I thank my friend. I am most appreciative for those comments.

Mr. President, the committee is proposing about a $500 million reduction in appropriations for inventory spend-

ing. I believe this cut is an important step toward bringing wasteful inventory spending practices under control.

Several of us in the Senate have been investigating the Pentagon supply system for a number of years. We have uncovered waste and excess of significant proportions. Using GAO figures, as a matter of fact, I have concluded that about half of the supplies in the Pentagon's warehouse do not need to be there. That is about $50 billion worth of supplies that we should not be warehousing. That $50 billion in excess includes everything from standard-size triple A batteries, to aspirin, to automobile tires. It does not include in the excess that I have referred to, war reserves, and it does not include inventory that is required for peacetime operating purposes.

We have found items in warehouses that have been stored there, and again we are not talking war reserves, stored there for 40 years. We found items for which we have sometimes a 10- or a 15- or a 40-year supply. We have tried many approaches to limiting the Pentagon's purchase of excess inventory. Last year, I authored a successful amendment to prohibit the Pentagon from making any purchase which would result in more than a 2-year supply. This year the General Accounting Office has recommended that a $5 billion cut from last year's level in the authorization for appropriations for the purchase of inventory items. That proposal has given the Pentagon a major case of indigestion. It is a cut that they say they cannot swallow.

So what have they done? They have come before Congress and they fudged the numbers. They have done so repeatedly so that it not only takes that rocket scientist, that we all refer to, to understand what is going on in the Pentagon supply system, it takes a Sherlock Holmes as well because the Pentagon constantly changes the numbers on us.

Every year we get a different story from the Department of Defense. In 1990, we tried to cut the inventory budget. We were given one set of numbers to prove that it could not be done. In 1991, we tried again and were given a completely different set of numbers covering the same period to show that the budget was impossible to cut. And this year, when there is no doubt that the inventory budget will be cut and cut substantially, they have given us a third set of numbers.

Last year, they said there was no room in the budget for cuts, that it could not be done. This year they are telling us, we already did it.

The problem is that the numbers that the Department of Defense gave us this year, like the numbers they have given us in previous years, are erroneous. In the best case, the Department of Defense does not understand its own inventory accounting system. In the worst case, these numbers are intentionally misleading.

We have asked the Department of Defense three very basic questions about the secondary item inventory. We have asked: How much has total Department of Defense inventory been reduced? We have asked: How much has the excess portion of that inventory been reduced? And we have asked: How much has the Department of Defense's appropriation request been reduced from last year's level? In each case, the Department of Defense has given us answers that are wrong, significantly wrong.

The DOD accounting system is not a simple one, and these are not easy issues to explain on the Senate floor. But I believe that the distortions are too important to let pass without comment.

First, the size of the Department of Defense's overall inventory. The department came to the Governmental Affairs Committee last year and said that they had reduced their inventory by $8 billion in fiscal year 1990. We had the General Accounting Office look at that and it turned out that what they had done was to revalue existing inventory and just simply decide that it was worth $8 billion less then they previously said. Almost nothing came out of the warehouses. They just changed the valuation method to reduce the book value of the same inventory.

The Department of Defense then acknowledged that they had revalued the inventory and that the revaluation accounted for virtually all of the so-called inventory reduction that they had reported to.

This year the Department of Defense came back and testified before both the Senate Armed Services Committee and the Governmental Affairs Committee that they reduced inventory by roughly $15 billion in fiscal year 1991. I have charts that were used by the DOD Controller Sean O'Keefe and Defense Assistant Secretary McMillan to show these reductions. Here you see Mr. O'Keefe's chart showing that inventory was reduced from $101.8 billion to $87.7 billion in 1 year, from 1990 to 1991.

Next, we have Mr. McMillan's chart showing a greater reduction from $101 billion in 1990 to $84 billion in 1991.

This time we were on to them and we asked how much of this approximate $15 billion—it differed between O'Keefe and McMillan, but approximately $15 billion—so we said how much of that reduction was really due to revaluation of existing inventory rather than an actual physical reduction of inventory in the warehouses? Their answer repeated at least five times before my subcommittee was none. No revaluation they told us. That is real reduction, physical reduction in inventory.

Mr. McMillan stated on the record that the $15 billion reduction was an actual reduction in physical inventory; that none of it came from revaluation; that it was based on an apples-and-apples comparison of the fiscal year 1991 numbers to the fiscal year 1990 numbers.

There is only one problem with those repeated statements. Every one of them was untrue. In fact, there was another revaluation in 1991 and that revaluation reduced the book value of the Department of Defense inventory by more than $9 billion. So that if you value the inventory the same way in fiscal year 1991, as you did in fiscal year 1990, the inventory did not go from $101.8 billion to $87 billion, or $84 billion, as Mr. O'Keefe and Mr. McMillan claim respectively. It only went from $101.8 to $97.3 billion.

When confronted with detail post hearing questions from my subcommittee after several calls back and forth, the Department of Defense has acknowledged that the real apples-to-apples comparison, based on the same valuation method in both years, is between $101 billion in 1990 and $97 billion in 1991. Those are the real figures. These are the ones that they presented to the committee, 101 to 84. The real figures are 101 to 97.

So instead of the inventory being physically reduced by the $14 billion, as Mr. O'Keefe claimed, or by the $17 billion, as Mr. McMillan claimed, more than $9 billion of that amount was simply a result of revaluation on the Pentagon's books. The actual reduction in inventory was only about $4.5 billion in an apples-to-apples comparison.

What does that mean about this chart Mr. O'Keefe used at the Armed Services Committee hearing? It means they were flat wrong. It is wrong when it states that $96.9 billion was the total without revaluation for fiscal year 1991, because this total, $96.9, is after the 1990 revaluation. It is not without revaluation as represented on this chart; it is with revaluation. And it is wrong when it represents that the DOD reduced its inventory by 11 to 14 percent, 13.4 percent, between fiscal year 1990 and fiscal year 1991. In fact, the actual physical reduction of inventory was no more than one-third of that amount.

Now the second issue. What about the portion of the Department of Defense's inventory that is excess? So far we have been talking about the total inventory. What about the portion of the inventory of that total which is excess to their requirements?

They do not like to admit they have any excess inventory. They call it by all sorts of other names. They call it inactive inventory, inapplicable inventory, economic and contingency retention inventory or even, believe it or not, potential reuse inventory. The bottom line is the stuff exceeds current requirements and will not be used, if ever. Twelve years ago the Department of Defense acknowledged having $34 billion of inventory in that category,

inventory that exceeds requirements. Now they claim dramatic progress. Excess inventory has been reduced by almost 40 percent they say, and not including the effects of any revaluation. It was $34 billion and now it is $21 billion they say.

We are talking about the excess portion of their total inventory. Here is a quote from this year's Department of Defense posture statement about reductions in inactive inventory.

> In terms of actual material * * * inactive inventory—items not expected to be used within the current budget cycle—was reduced (from the end of FY 1989 to the end of FY 1991) from $34.4 billion to $21.4 billion.

That is their report to the Congress. This is not some casual statement. This is the DOD's official Annual Report to the President and to the Congress. That is what we are supposed to rely on, what the President is supposed to rely on, and the country is supposed to rely on, in determining what the DOD budget requires.

By the way, when the Department of Defense says an item is "not expected to be used within the current budget cycle" they mean they have no requirement for it now, that they will not have a requirement for it for a year from now, and they do not expect to have a requirement 2 years from now. They may use up other stocks and develop a need for the items sometime after 2 years, but then again they may not.

So, has the Department of Defense reduced the excess inventory by the $13 billion, $34 billion to the $21 billion as they claim? The answer is no. That statement is false. Other Department of Defense documents, supplied later, show that the excess inventory has declined by far less.

Here is a chart that the Department of Defense provided us several weeks after that posture statement that I just read was issued. And you can see that it shows the excess inventory. This is a chart of excess inventory, dropping from $34.4 billion in fiscal year 1989, to $30.7 billion in fiscal year 1991.

The PRESIDING OFFICER. The Senator's 15 minutes has expired.

Mr. LEVIN. I wonder if the chairman might yield me 5 more minutes?

Mr. BYRD. I yield 5 additional minutes.

Mr. LEVIN. I thank the Chair.

Mr. BYRD. Off the bill.

Mr. LEVIN. Where did they get that $21 billion number that they used? Down here. That is the $21 billion they used. They just simply excluded this part of the excess inventory from their posture statement. They just simply left it out. They just simply decided not to include it. And $9 billion of the excess inventory, by their own chart which they had later supplied to us, was just simply ignored in their posture statement. They did not reduce the inventory by that $9 billion. They just simply left it out when it came to reporting to the Congress.

So how much progress has the DOD made in reducing excess inventory? About the same as their progress in reducing total inventory—not much. The Department of Defense figures show that excess inventory has been reduced, at most, from $34 billion to $31 billion, and even that reduction is exaggerated by the impact of the Department's fiscal year 1990 inventory revaluation. So in the case of excess inventory, as in the case of total inventory, the bottom line is the DOD has yet to make a substantial reduction.

That brings us to a third key question—the level of Department of Defense request for inventory appropriations. How much are they spending on inventory purchases now, and how much does the Department want for next year? Once we know that, we should be able to figure out how much we can reduce these purchases in order to reduce unneeded stocks and to start bring total inventory in line.

Back in January the General Accounting Office wrote us a letter saying that the Department of Defense inventory appropriations could be reduced by at least $5 billion from the previous levels without any adverse impact on the national defense. The GAO letter said:

> Based on our evaluations of past budget requests, we believe the amount budgeted for secondary items for fiscal year 1993 should be at least $5 billion less than the amount budgeted in fiscal year 1992. The potential cuts would be in the operations and maintenance appropriations and other appropriations * * * which are also used to fund secondary items.

The DOD Comptroller responded to this assessment—about as we have come to expect—by saying we should not cut the $5 billion, because (a) it would severely undermine the national defense, and believe it or not, (b) they had already done it. First he tells us it would undermine defense to do it, and then he says in the same letter they have already done it. Talk about arguments in the alternative.

The letter from the DOD Comptroller in response to the General Accounting Office said that:

> With respect to the funds budgeted for secondary items in the FY 1993 program, I'm sure you're pleased that the FY 1992/93 budgets are down approximately $6 billion from the budget levels submitted last year.

Then the Comptroller says, he tells the GAO "This exceeds your suggested reduction of $5 billion."

So, did the budget that the DOD submitted actually exceed the GAO's suggested $5 billion reduction in the funds available for the purchase of secondary items? No. Again, this statement is inaccurate: it is misleading.

In fact, the Department of Defense has asked for $3.5 billion less in inventory appropriations this year than it got last year—not $6 billion. And the $3.5 billion less includes the $2 billion in surplus funds that they want to spend for inventory items. So the real reduction is $1.5 billion from last year, not the $6 billion by which they said they had already reduced the budget request.

In short, the Department of Defense was wrong when it told us that the total inventory had been reduced by $15 billion. It had not. The DOD was wrong when they told us that excess inventory had been reduced by $13 billion. It had not. The DOD was wrong when it told us that they had reduced their budget request for inventory appropriations by $6 billion. That has not been done either.

DOD has provided Congress with inaccurate and misleading information on each of the key inventory issues—the overall size of the inventory, the size of the excess inventory, and the spending levels last year and the request for this year.

I am afraid, and I am sad to say, that we cannot rely on the key numbers that are provided by the DOD on that issue. We should be able to rely on those numbers. I wish we could. We have the responsibility to oversee that process. What the Department has done is to make that much more difficult.

So the substantial reductions which we are proposing and the first step in that regard is $500 million in this rescission bill that the chairman has brought to the floor is very appropriate. It is based on a sound assessment of what the real numbers are.

I commend both Senator BYRD and Senator INOUYE and their staffs for working so hard on this issue with us to do the right thing to get the excess inventory eliminated, to cut out the wasteful spending and the warehousing of all this excess inventory, and to try to reduce unnecessary spending in this area.

I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his remarks, and I also thank him for his leadership on this issue.

Mr. President, I suggest the absence of a quorum. I ask that the time be equally charged against both sides on the amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. HATFIELD. Mr. President, the chairman of our committee, Senator BYRD, has given a very detailed explanation of the parliamentary procedure, as well as the substance, of our vehicle.

At this point, I ask unanimous consent that I be designated to control the

time on the committee substitute, as the unanimous-consent agreement has already been arrived at, to control the time between the chairman and the ranking member on the committee bill.

The chairman has acquired the unanimous consent to control the time on the committee substitute for his side.

I, therefore, put the same request to control the time on this side.

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

Mr. HATFIELD. Mr. President, I yield myself such time as I may need for a few remarks on this bill.

As I said in our committee markup of this rescission bill, I regret that the Senate is here today considering this measure. I believe the Committee on Appropriations made sound recommendations to the Senate when it first considered the fiscal year 1992 appropriations bills. Those recommendations were supported, in the main, by this body in its consideration of our recommended amendments to appropriations bills passed by the other body and in its adoption of the conference reports on those bills.

We had those particular step-by-step opportunities to work the will of the Senate, and the Senate will was worked. The House will was worked, and we put together a conference report from those two vehicles.

Mr. President, it should be noted that all the regular 1992 appropriations bills presented to the President were eventually signed into law. That is another step. There were some vetoes by the President, but those were on the basis of legislative provisions, not funding levels. Once the objectionable provisions were dropped, the bills were signed into law by the President.

It should be noted that throughout the 1992 appropriations process, as well as those previous, and as well as today and the bills in the future, the administration was intimately involved with our deliberations. They were literally at our elbow through the committee hearings, through the committees markups, and certainly I represented the administration as the ranking Republican on that committee and its views and perspectives on different occasions as did other Republican ranking members of each of the 13 subcommittees.

We were successful in winning our support for many—indeed, for most—of the administration's priorities in the normal process of our committee.

So I am disappointed that now, fully 7 months into the fiscal year, we are considering a rescission bill to reverse ourselves on a number of our funding decisions. Nevertheless, while I wish the President had not proposed these rescissions, I completely understand his rights under title X of the Budget Act to do so, and I completely understand the committee's right to respond with this particular bill. In fact, I have often suggested this very course of action to my colleagues as an alternative to the more radical proposition and totally unacceptable proposition of the so-called enhanced rescissions.

And although a title X rescission bill, such as the one before us, may be very rare, rescissions themselves are not rare. The Congress has enacted rescissions of previously appropriated funds in every year since the Budget Act became law. Since 1974, the several Presidents have requested Congress to rescind $69 billion in the aggregate, and Congress has responded by enacting rescissions to only $63 billion in the aggregate.

So despite my reservation about the series of events that has brought us here today, I believe the committee's response to the President's proposal is appropriate, and we should proceed with the debate and any amendments.

Mr. President, for the benefit of my colleagues on this side of the aisle, I indicate that the parliamentary procedure which we have embarked upon preserves the right of every Senator on either side of the aisle to offer perfecting amendments to the product that the committee has worked out in conjunction with the majority and minority in each of the 13 subcommittees. I support the vehicle that is before us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

Mr. BYRD. Mr. President, I ask unanimous consent that the time be charged equally against both sides on the amendment.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I ask unanimous consent that 15 minutes of the time that I have charged against myself on the amendment be shifted to time off my side on the bill.

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

Mr. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally charged against both sides on the bill.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, it is my understanding that Senator ROTH wishes to speak for 10 minutes on a matter which is not related to the pending measure. I ask unanimous consent that the 10 minutes which will be consumed by Mr. ROTH be charged equally against both sides on the pending amendment.

By way of explanation, the quorum call is being so charged, so I think we might as well charge the time the Senator wishes to use in the same way.

The PRESIDING OFFICER. Is there objection? Hearing none, the time will be charged to both sides accordingly.

The Senator from Delaware is recognized for a time not to exceed 10 minutes.

Mr. ROTH. I thank the distinguished Senator from West Virginia for his courtesy.

(The remarks of Mr. ROTH pertaining to the submission of Senate Resolution 291 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. ROTH. Mr. President, I make a point of order that a quorum is not present.

Mr. BYRD. Mr. President, I ask unanimous consent that the time consumed in the quorum call be charged equally against both sides on the amendment.

The PRESIDING OFFICER. Without objection, the time of the quorum call will be charged to both sides.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, how much time remains for each side on the bill and on the amendment?

The PRESIDING OFFICER. The Senator from West Virginia has 35½ minutes on the amendment; 3 hours and 43 minutes on the bill.

The Senator from Oregon has 32½ minutes on the amendment, 5 hours on the bill.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:31 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

RESCISSION OF CERTAIN BUDGET AUTHORITY

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, if no Senator seeks recognition, I suggest the absence of a quorum, and I ask unani-

mous consent that the time be equally charged against both sides on the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. McCAIN. Mr. President, I ask the distinguished chairman of the Appropriations Committee whether, since it is my understanding the parliamentary procedure at this time is we are considering the substitute, he feels it would be appropriate at this time for me to propose my amendment in the form of an amendment to the substitute or to wait until the distinguished Appropriations Committee chairman has offered the substitute?

Mr. BYRD. Mr. President, under the act and under the rules of the Senate, I say to my distinguished friend, all time on the amendment must expire or be yielded back before another amendment would be in order.

Mr. McCAIN. If the chairman would explain a little further, I would appreciate his advice as to how many hours we will remain in this condition?

Mr. BYRD. Mr. President, I ask unanimous consent that the Senator may be speaking on time allotted to the other side controlled by Mr. HATFIELD.

The PRESIDING OFFICER. The Senator is recognized on Senator McCAIN's time because he sought recognition and has the floor. So the time is running against the Senator from Oregon.

Mr. BYRD. I would say in response to the distinguished Senator that I plan to offer a substitute for the committee substitute at such time as the time on the committee substitute has expired. I would have to wait until that time has expired or yield back the time unless by unanimous consent we could consider that the time has expired. Then I could proceed to introduce the substitute. There will be a time during the afternoon when a perfecting amendment would certainly be in order and the Senator, if he gets recognition at that time, certainly would be able to present his amendment then.

Mr. McCAIN. May I respectfully remind the distinguished chairman, that I approached him at approximately 12 o'clock and said that I would like to propose my amendment.

Mr. BYRD. Yes.

Mr. McCAIN. At that time, I was told by the distinguished chairman that it would be appropriate after lunch for me to propose this amendment, and I thanked the chairman at that time. Did I misunderstand the distinguished chairman, or has something changed since I approached the distinguished chairman before lunch? If so, at what time would the distinguished chairman think it appropriate for my amendment to be offered on this very important issue?

Mr. BYRD. Is the Senator prepared now to yield to me for a response?

Mr. McCAIN. The Senator is prepared to yield to the distinguished chairman for response to my question.

Mr. BYRD. Mr. President, I will remind the Senator that when he discussed this prior to lunch I told him it was my plan to lay down a substitute for the committee substitute and that I then intended to seek to lay down a substitute to the substitute to the committee substitute, after which, amendments in the way of perfecting amendments would be in order, and at that time, if he could get recognition, he could offer his amendment. Nothing has changed. But under the rules the time on the pending amendment must expire or be yielded back before another amendment is in order.

So I am not in a position at this point, until the time has expired on the pending committee substitute, to offer one of the substitutes therefor. Nothing has changed. Everything is precisely as I said it was before lunch and when I earlier responded to the Senator.

Mr. McCAIN. I thank the chairman for his elaboration. That was not the impression I now receive from him before lunch. Perhaps I misunderstood him. But, I do not think it is unreasonable for me to ask the distinguished chairman, who is in charge of the legislation on the floor, as to what time would he think appropriate that I bring up an amendment.

Mr. BYRD. Mr. President, will the Senator yield.

Mr. McCAIN. I will be glad to yield to the chairman for a response. But I do feel that I asked my question in good faith before lunch. I would ask again, at what point during the 10 hours of debate, I would be allowed to propose this amendment.

I also note with some interest there are at least 2 other Senators on the floor who are very vitally interested in this amendment, and several who wish to speak in opposition. So I would hope that we could ascertain at what point I could propose this amendment, an amendment which would have, according to the rules, 1 hour on each side equally divided and followed by a vote.

Mr. BYRD. Mr. President, I am a little nonpulsed at the mountain out of a mole hill which is being created here by the distinguished Senator. He has not been misled. He was told that after lunch he would be able to offer an amendment. It is after lunch. Obviously, the time on the committee substitute would not have run its course before lunch. Obviously, therefore, it would be after lunch when the time on the committee substitute would run its course. And it would be after lunch before the substitute amendment could be offered, and in view of the fact that under the law 1 hour is allowed on an amendment to an amendment, it would mean that 1 hour later an amendment to the amendment would be in order.

I informed the Senator that it was my intention to offer a substitute to the substitute to the committee substitute but that after that, perfecting amendments would be in order, at which time the Senator then, if he could get recognition, could offer his perfecting amendment. I do not know how I could make it any more clear than that. The law is here, which any Senator can read and determine what the rules are with respect to the offering of amendments. The Senator will have his opportunity to offer a perfecting amendment if he can get recognition at that time. And I do not intend to attempt in any way to prevent him from getting recognition.

Mr. McCAIN. I am sorry that the distinguished chairman is unable to give me and the other Senators who are interested in this amendment an approximate time when this amendment might be considered. Because of that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

REPORT OF INDEPENDENT COUNSEL

Mr. MITCHELL. Mr. President, pursuant to Senate Resolution 202, the Republican leader and I have received the report of the special independent counsel. The resolution provided for his investigation of unauthorized disclosures of nonpublic confidential information from Senate documents in connection with the consideration of the nomination of Clarence Thomas to be an Associate Justice of the Supreme Court and the investigation of matters related to Charles Keating.

Section 7 of the resolution requires the two leaders or their designees to make a determination.

On referral to the appropriate law enforcement authority of any possible violation of Federal law;

On referral to the appropriate Senate committee for any disciplinary action that should be taken against any Senator, official, employee, or person engaged by contract to perform services for the Senate who may have violated any rule of the Senate or of any Senate committee;

On referral to the appropriate executive branch authority any questions involving the conduct of any official or employee of the executive branch re-

sponsible for the unauthorized disclosure; and,

To make recommendations for any changes in Federal law or in Senate rules that should be made to prevent similar unauthorized disclosures in the future.

Senator DOLE and I are in the process of studying and evaluating the special counsel's report. We expect to make determinations required by the resolution in the near future and will report those determinations to the Senate at that time.

The special independent counsel's report will be made available to each Senator and to the press and public immediately.

I thank the special independent counsel, Peter E. Fleming, Jr.; and his associate counsel, Mark O'Donoghue, Samuel Rosenthal, and Michelle Rice; and their staff for their diligent attention to this difficult assignment.

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. Mr. President, will the majority leader yield?

Mr. BYRD. I yield.

Mr. DOLE. Mr. President, I want to join the distinguished majority leader, Senator MITCHELL, in thanking the special independent counsel, Peter Fleming, and members of his staff that was cited by Senator MITCHELL for their very hard work and their diligence in this particular effort.

I might add that the issue of unauthorized disclosures does not end with the release of this report. Senator MITCHELL indicated he and I will continue to review the independent counsel's findings and make the determinations required by the resolution passed by this body.

Whatever those recommendations may be, Senator MITCHELL and I share a determination to do what we can to plug leaks of nonpublic confidential information.

So, the majority leader has indicated we are going to make public to the Members now and to the press, to the public, copies of the report. I hope everybody will read it carefully and objectively, and in the interim, I will be working with the majority leader consulting together on what if anything we may do in the future.

Mr. MITCHELL. Mr. President, I thank my colleague.

RESCISSION OF CERTAIN BUDGET AUTHORITY

The Senate continued with consideration of the bill.

Mr. BYRD. Mr. President, I ask unanimous consent that the time required by the distinguished majority leader and the distinguished Republican leader in the colloquy just had be charged against both sides equally on the amendment.

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

Mr. SEYMOUR. Mr. President, I rise today in support of the President's rescissions and his overall mission to force Congress to live within the bounds of its financial means. Over the last decade, both President Bush and President Reagan have urged Congress to establish some sort of fiscal discipline in the Federal appropriations process. However, Congress has shunned the face of realism and continued its reckless spending habits, digging deeper and deeper into the pockets of working Americans. Clearly, it is time to map a new course and move away from the destructive fiscal path Congress has foolishly chosen to travel.

The working people of this country are tired—tired of Congress which has continued to attack their paychecks with an assault of new and higher taxes. They are tired of a Congress which has failed to address the problem of our Nation's growing Federal budget deficit, while cashing in on the wasteful porkbarrel spending that infects congressional appropriations bills. This is not good Government. This is Government based on partisan politics and self-interested personal gain. Congress has clearly abused its legislative power at the expense of the American taxpayer and the economic future of this Nation.

In an effort to reduce wasteful spending, the President proposed 224 rescission items totaling $7.879 billion. While the Appropriations Committee's bill exceeds the total level of rescissions proposed, the committee has taken an unnecessary, undesirable, and unproductive approach by targeting cuts in critical strategic and other defense programs.

The Defense budget rescissions recommended by the committee majority will, in my opinion, erode America's ability to meet the international security threats of the future while having a minimal effect on the critical need to reduce the Federal budget deficit. For this reason, I will vote against the Appropriation Committee's rescission bill.

Last month, President Bush submitted to Congress a list of national defense rescissions that exceeded $7 billion. He took this action on top of 3 fiscal years of slashing over 100 military programs, cutting the number of Air Force wings to 24 from 36, withdrawing entire Army divisions from central Europe, and capping the growth of our nuclear strategic forces.

This administration, therefore, has demonstrated leadership in balancing the evolving security requirements of this Nation with its desire to balance the Government's budget.

My argument today, therefore, does not revolve around whether defense spending has been reduced, but how and where we should do it. The Appropriations Committee rescissions with regard to the B-2 bomber and strategic defense initiative offer particularly shortsighted examples of making public policy choices with fewer available resources.

SDI and B-2, in addition to targeting ongoing military threats such as ballistic missile proliferation and Third World aggression, also constitute a humble investment of the taxpayers' money. Both of these efforts barely consume more than 1 percent of the total Department of Defense budget. The President funded these programs and still placed the overwhelming burden of rescission savings on national defense—$7 billion from the military versus $700 million from domestic programs.

And so I want to disabuse my colleagues of another myth: If this body votes to endorse the Appropriations Committee cuts of $2.3 billion from B-2 and SDI, it will not be voting to increase funding for vital domestic programs. It will not be voting to make reductions in a wildly growing defense budget.

It will not be voting to make a significant dent in the Federal deficit.

It will be voting, Mr. President, to prevent the credible deployment of ballistic missile defenses against chemical, nuclear, and biological weapons.

It will be voting to weaken America's ability to use its stealth technology to manufacture precision aircraft that save both civilian and pilot lives.

And it will be voting to preserve billions of dollars for weapons that the United States primarily built to deter the nonexistent Soviet threat so invoked by my colleagues on the other side of the aisle as a reason for lowering defense expenditures.

We cannot accept such tortured and hypocritical logic as standards for the investment of the people's money. I therefore urge all of my colleagues to soundly reject the Appropriations Committee rescission substitute bill.

Mr. BYRD. Mr. President, how much time remains on the amendment?

The PRESIDING OFFICER. The Senator from West Virginia has 32 minutes and 30 seconds, and the Senator from Oregon has 29 minutes and 30 seconds.

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, as I understand the parliamentary situation at this moment, the Senator from Arizona [Mr. MCCAIN] is waiting to offer a perfecting amendment, and at this point, in order to trigger and accelerate that time in order to get to that perfecting amendment, I am ready to yield back the time that I have, the 29 minutes, on this current vehicle.

Mr. BYRD. Does the Senator yield his time back?

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. HATFIELD. Yes.

The PRESIDING OFFICER. The time of the Senator from Oregon is yielded back.

Mr. BYRD. Mr. President, I yield back the remainder of my time and send to the desk an amendment.

AMENDMENT NO. 1789

(Purpose: To rescind certain budget authority)

The PRESIDING OFFICER. The Senator from West Virginia yields back the remainder of his time and sends an amendment to the desk.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1789.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert:

That the following rescissions of budget authority are made, namely:

TITLE I

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

Of the funds available under this head, $9,200,000 are rescinded.

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–3, $38,800,000 are rescinded; of which $22,000,000 was made available for the grant to the Silver Valley Unified School District, Yermo, California; and $10,000,000 was made available for the grant to the Cumberland County School Board, Fayetteville, North Carolina; in addition, of the funds made available under this heading in Public Law 102–172, $139,989,000 are rescinded.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–4, $1,000,000 are rescinded for the Fenwick Pier Demonstration Project; in addition, of the funds made available under this heading in Public Law 102–172, $152,182,000 are rescinded, of which $400,000 is from funds for the renovation of the Vice President's residence.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, $156,650,000 are rescinded.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–7, $600,000 made available for two Post-Traumatic Stress Disorder Treatment Centers, one to be located in the State of Hawaii, and one to be located in Greensburg, Pennsylvania, for the purpose of treating military personnel, dependents, and other personnel in post-traumatic stress disorders is rescinded; in addition, of the funds made available under this heading in Public Law 102–172, $226,721,000 are rescinded, of which $5,400,000 is from support of White House communications.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–9, $50,000,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–11, $40,000,000 are rescinded from the AV–8B program; in addition, of the funds made available under this heading in Public Law 102–172, $103,000,000 are rescinded reducing funds allocated for the SH–2G program.

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds provided under this heading in subdivision "AOE combat support ship program" in Public Law 102–172, $500,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–14, $29,300,000 are rescinded; in addition, of the funds made available under this heading in Public Law 102–172, $41,000,000 are rescinded of which $29,000,000 is from firefighting equipment and $12,000,000 is from ship systems trainers.

PROCUREMENT, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–16, $42,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–18, $18,600,000 are rescinded from funds for the multipurpose individual munition and the High Mobility Multipurpose Wheeled Vehicle program; in addition, of the funds made available under this heading in Public Law 102–172, $28,000,000 are rescinded from funds to be used for Aircraft Propulsion and the classified program "Tractor Pull".

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–19, $14,000,000 are rescinded, of which $10,000,000 was made available for the Submarine Laser Communications project and $4,000,000 was allocated for the LAMPS MK III program; in addition, of the funds made available under this heading in Public Law 102–172, $6,100,000 are rescinded from funds for the Ship Towed Array program.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–20, $32,000,000 are rescinded for the Follow-on Tactical Reconnaissance program; in addition, of the funds made available under this heading in Public Law 102–172, $38,500,000 are rescinded from the F–15E and F–16 squadrons programs.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–21, $15,000,000 are rescinded from the Low-low Frequency Active Technology program.

REVOLVING AND MANAGEMENT FUNDS

PENTAGON RESERVATION MAINTENANCE REVOLVING FUND

(RESCISSION)

Of the funds available under this heading, $60,000,000 are rescinded.

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 101–519, $5,000,000 are rescinded.

Of the funds made available under this heading in Public Law 102–136, R92–22, $9,050,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–23, $12,000,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 101–148, $3,320,000 are rescinded.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 100–447, $500,000 are rescinded. Of the funds made available under this heading in Public Law 101–519, $15,100,000 are rescinded.

Of the funds made available under this heading in Public Law 102–136, R92–25, $9,000,000 are rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, $68,200,000 are rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–26, $2,772,000 are rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–27, $306,000 are rescinded.

MILITARY CONSTRUCTION, NAVAL RESERVE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–29, $10,900,000 are rescinded.

DEPARTMENT OF EDUCATION

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 102–170, for Title IV of the Carl D. Perkins Vocational and Applied Technology Education Act, $2,000,000 for choice demonstrations are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH SERVICE

(RESCISSION)

Of the funds appropriated to carry out the Public Health Service Act, the Mental Health Systems Act, the Act of August 5, 1954 (Public Law 568, Eighty-third Congress), or the Act of August 16, 1957 (Public Law 85-151) and made available for evaluation pursuant to section 2711 of the Public Health Service Act but remaining unobligated on the date of enactment of this Act, $15,000,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 102-170, $8,000,000 are rescinded: Provided, That no more than $249,000,000 of such appropriation may be expended to meet unanticipated costs of agencies of organizations with which agreements have been made to participate in the administration of title XVIII of the Social Security Act.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts made available under this heading in Public Law 102-139, $50,000,000 for section 8 contract amendments are rescinded.

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 102-154, $4,937,000 are rescinded.

BUREAU OF MINES

MINES AND MINERALS

(RESCISSION)

Of the funds available under this heading in Public Law 102-154, $987,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds available under this head for the site development and construction of the United States Embassy building in Kuwait, $12,248,000 are rescinded.

DEPARTMENT OF TRANSPORTATION

URBAN MASS TRANSPORTATION ADMINISTRATION

RESEARCH, TRAINING AND HUMAN RESOURCES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-143, $9,880,000 are rescinded.

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 101-513, $32,500,000 are rescinded.

INTER-AMERICAN INVESTMENT CORPORATION

(RESCISSION)

Of the funds made available under this heading in Public Law 102-145, as amended, $4,000,000 are rescinded.

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 101-513, $100,000 are rescinded.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 102-145, as amended, $64,054 are rescinded.

INTERNATIONAL FUND FOR IRELAND

(RESCISSION)

Of the funds made available under this heading in Public Law 101-513 and prior Acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

MULTILATERAL ASSISTANCE INITIATIVE FOR THE PHILIPPINES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-145, as amended, $20,000,000 are rescinded.

DEVELOPMENT ASSISTANCE; ECONOMIC SUPPORT FUND

(RESCISSION)

Of the unexpended balances of funds (including earmarked funds) made available in Public Law 98-473, Public Law 99-88 and prior Acts making appropriations for foreign assistance and related programs to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, $30,000,000 are rescinded: Provided, That this rescission shall be made from funds deobligated but continued available by section 515 of Public Law 101-513, and the corresponding authority provided in Public Law 102-145, as amended.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 102-145, as amended, $1,925,000 are rescinded: Provided, That the amount of funds made available under this heading that may be obligated for entertainment allowances is decreased by $25,000.

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 102-145, as amended, $39,015,000 are rescinded: Provided, That the amount of funds made available under this heading that may be obligated for the general costs of administering military assistance and sales is decreased by $15,000.

DEOBLIGATION/REOBLIGATION AUTHORITY

Notwithstanding section 515(b) of Public Law 101-513, and the corresponding authority provided in Public Law 102-145 as amended, no Foreign Military Financing Program funds may be reobligated pursuant to such authority from the date of enactment of this Act through September 30, 1992.

SPECIAL DEFENSE ACQUISITION FUND

(LIMITATION ON OBLIGATIONS)

The limitation under this heading in Public Law 102-145, as amended, is decreased by $40,000,000.

MILITARY ASSISTANCE PROGRAM

(RESCISSION)

Of the unexpended balances of funds made available to carry out the provisions of chapter 2 of part II of the Foreign Assistance Act of 1961, $6,750,000 are rescinded.

Of the funds made available to carry out section 503(a)(3) of the Foreign Assistance Act of 1961 that have been disbursed into the Foreign Military Sales Trust Fund, $5,760,000 may not be disbursed for any purpose and shall be deposited into the miscellaneous receipts of the Treasury.

SENATE

CONTINGENT EXPENSES OF THE SENATE

OFFICIAL MAIL COSTS

(RESCISSION)

Of the total funds appropriated under the heading "OFFICIAL MAIL COSTS" under the heading "CONTINGENT EXPENSES OF THE SENATE" under the heading "SENATE" in any appropriations Act of joint resolution making appropriations available to the Senate for fiscal years 1991 and 1992 and which (but for the provisions of this paragraph) would remain available until expended, of the balances remaining unobligated, $20,000,000 are rescinded.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 101. In addition to amounts rescinded elsewhere in this Act, of the funds made available in Public Law 102-172, $105,900,000 are rescinded of which not less than $10,000,000 was made available as a grant to the Louisiana State University for the Neuroscience Center of Excellence; $10,000,000 was made available as a grant to Marywood College, Pennsylvania, for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense; $6,000,000 was made available for a grant to the University of Texas at Austin; $6,000,000 was made available for a grant to the Northeastern University; $5,000,000 was made available for a grant to the Texas Regional Institute for Environmental Studies; $7,700,000 was made available as a grant to the Kansas State University; $1,600,000 was made available for a grant to the University of Wisconsin; $29,000,000 was made available for a grant to the Boston University; $250,000 was made available for a grant to the Medical College of Ohio; $500,000 was made available for a grant to the University of South Carolina; $750,000 was made available for a grant to George Mason University; $2,300,000 was made available as a grant to the Monmouth College; $10,000,000 was made available as a grant to the University of Minnesota; $500,000 was made available as a grant to the University of Saint Thomas in Saint Paul, Minnesota; $2,000,000 was made available as a grant to the Brandeis University; $3,000,000 was made available as a grant to the New Mexico State University; and under the heading "Research and Development, Test and Evaluation, Defense Agencies" $1,300,000 was for the Oregon Graduate Institute and $10,000,000 was for the Institute for Advanced Science and Technology.

SEC. 102. In addition to amounts rescinded elsewhere in this Act, of the funds made available in Public Law 102-172, $11,350,000 are rescinded of which $4,000,000 was made available for a grant to the Airborne and Special Operations Museum Foundation; $4,000,000 was made available for the National D-Day Museum Foundation; $1,600,000 was made available for the Museum of Science and Industry; and, under the heading "Operations and Maintenance, Navy" $1,750,000 was available for the Naval Undersea Museum as provided for in section 8115 of Public Law 102-172: Provided, That none of the funds available to the Department of Defense shall be obligated to subsidize, provide assistance-in-kind, or otherwise offset the costs of any military museum.

SEC. 103. Funds available to the Department of Defense which were proposed for rescission by the President for programs listed in the justifications of the rescission message of March 10, 1992, and which are not specifically rescinded by this Act, shall be made available for obliga-

tion for the same programs, projects and activities as listed in the message of March 10, 1992.

TITLE II

DEPARTMENT OF AGRICULTURE

OFFICE OF PUBLIC AFFAIRS

(RESCISSION)

Of the funds made available under this heading in Public Law 192–142, $62,000 for travel are rescinded.

NATIONAL AGRICULTURAL STATISTICS SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 192–142, $2,000,000 for the pesticide data program are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

BUILDINGS AND FACILITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–142, R92–38, $500,000 for facilities completion in North Dakota are rescinded.

SPECIAL RESEARCH GRANTS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–142, R92–44, $750,000 for Appalachian hardwoods in West Virginia are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–49, $49,000 for integrated orchard management in Vermont are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–52, $120,000 for animal waste disposal in Michigan are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–53, $134,000 for a mechanical tomato harvester in Pennsylvania are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–56, $200,000 for oil from jojoba in New Mexico are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–58, $50,000 for seedless table grapes in Arkansas are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–60, $140,000 for swine research in Minnesota are rescinded.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–142, $3,000,000 for the pesticide data program are rescinded.

FARMERS HOME ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–142, $6,031,000 for travel are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF DENTAL RESEARCH

(RESCISSION)

From amounts previously appropriated, $366,000 are hereby rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–139, $693,000,000 for section 8 contract amendments are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 102–154, R92–88, $5,897,000 are rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 102–154, $19,000,000 are rescinded.

DEPARTMENT OF THE ARMY

ARMY CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

(RESCISSION)

Of the funds made available under this heading in title I of Public Law 102–104, R92–91, $3,000,000 are rescinded: Provided, That the language of title I of Public Law 102–104 directing the Secretary of the Army, acting through the Chief of Engineers, to undertake in fiscal year 1992, the Red River Basin Chloride Control, Texas and Oklahoma, $3,000,000 is repealed.

OPERATION AND MAINTENANCE, GENERAL

(RESCISSION)

Of the funds made available under this heading in title I of Public Law 102–104, R92–92, $1,350,000 are rescinded: Provided, That the language of title I of Public Law 102–104 directing the Secretary of the Army, acting through the Chief of Engineers, with $1,500,000 to alleviate bank erosion and related problems associated with reservoir releases along the Missouri River below Fort Peck Dam is repealed.

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139, for contracts, $20,000,000 are rescinded.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139, for the alternative remedial contracting system, $20,000,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 102–139, $1,500,000 for space exploration studies are rescinded.

Of the amounts made available under this heading in Public Law 102–139, $2,500,000 for the National Aerospace Plane are rescinded.

Of the amounts made available under this heading in Public Law 102–139, $10,000,000 for Climsat earth probe are rescinded.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

(RESCISSION)

Unobligated balances for the following research grants are rescinded upon enactment: "Middle Class Lawyers: The transformation of small firm practice"; "Monogamy and aggression"; "Holism in Psychobiology in the Twentieth Century"; "Affective Bases of Person Perception"; "The representation of Attitudes"; "Economic opportunity in urban America 1850–1870"; "A historic study of Japan's famous slogan "Rich Nation, Strong Army" and its impact on Japanese Technology"; "Status attainment in Chinese urban areas"; "Firm age and wages"; "American perceptions of justice": "An east-west collaborative study"; "Herd behavior: Microfoundations and evidence from decision making by firms and about the global environment"; "Analysis of mental computation performance and estimation strategy-use among Japanese students and curricular of these topics in Japanese schools"; "The timing of control and stock externalities in the presence of learning with application of global warming"; "Conflict paradigms and the instance theory of automization"; "Exemplar-based processing in social judgment"; "A history of applied science in France, 1801–1941"; "Emerging coalitions in the Soviet All-Union and Republican Legislature"; "Compensation system design, employment and firm performance: An analysis of French microdata and a comparison to the U.S.A."; "The structures and processes of building provisions: A case study of master-planned communities"; "The transformation of the large law firm in England: A comparative analysis"; "The evolution of optimizing behavior and of attitudes towards risk"; "Applying space technology to global change: values, institutions and decisions"; "Traditional and nontraditional forms of popular religion in Sicily"; "Auctions with entry/exit decisions"; "Maintenance of a polymorphism in mating behavior in swordfish"; "The systematic study of senate elections"; "The late prehistoric political economy of the Upper Mantaro Valley in Peru"; "Sexual mimicry of swallowtail butterflies"; "Song production in freely behaving birds"; "American legal realism, empirical social science and the Law professor's professional identity"; "Norms, self-interest and taxpayers decisions: adaption to 1986 tax reform".

The National Science Foundation shall report to the Committees on Appropriations by May 22, 1992 on the amount of unobligated balances committed for these grants.

DEPARTMENT OF DEFENSE—MILITARY

PROCUREMENT

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds provided under this heading in the subdivision "SSN–21 attack submarine program" in Public Law 102–172, and proposed for rescission in R92–101, $375,500,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–102, $189,400,000 are rescinded.

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $1,000,000,000 are rescinded from funds for the B–2 bomber.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $131,000,000 are rescinded from the National Aerospace Plane.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $1,300,000,000 are rescinded from the Strategic Defense Initiative.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading for the Office of the Federal Inspector for

the Alaska Natural Gas Transportation System in Public Law 102-154, R92-34, $144,590 are rescinded.

TITLE IV

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $11,300,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $16,700,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $33,300,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $33,000,000 are rescinded from classified programs.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102-172, and proposed for rescission in R92-105, $46,300,000 are rescinded; and of the funds provided under this heading in Public Law 101-511, $150,000,000 are rescinded.

Of the funds provided under this heading in Public Law 101-161, $10,700,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, and proposed for rescission in R92-107, $15,000,000 are rescinded.

WEAPONS PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in the subdivision "Other Missile Programs" in Public Law 101-511, and proposed for rescission in R92-111, $60,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102-172, $2,500,000 are rescinded from classified programs.

Of the funds provided under this heading in Public Law 101-511, $37,000,000 are rescinded, of which $22,000,000 is from Point Defense Support Equipment and $15,000,000 is from the Productivity Investment Fund program.

PROCUREMENT, MARINE CORPS

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $55,000,000 are rescinded of which $25,000,000 is from Tactical Intelligence Enhancements and $30,000,000 is from Night Vision Equipment.

MISSILE PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102-172, $416,300,000 are rescinded, of which $344,000,000 is from the Advanced Cruise Missile program and $72,300,000 is from the MX missile program.

Of the funds provided under this heading in Public Law 101-511, $112,200,000 are rescinded from the MX missile program.

OTHER PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102-172, $118,200,000 are rescinded, of which $105,100,000 is from classified programs and $13,100,000 is from the Base Support program.

Of the funds provided under this heading in Public Law 101-511, $20,000,000 are rescinded from the Base Support program.

Of the funds provided under this heading in Public Law 101-165, $30,000,000 are rescinded from the Electronic Drug interdiction program.

PROCUREMENT, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $10,700,000 are rescinded from classified programs.

NATIONAL GUARD AND RESERVE EQUIPMENT

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, and proposed for rescission in R92-120, $45,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $196,200,000 are rescinded, of which $49,400,000 is from the antisatellite weapon (ASAT) program, $51,000,000 is from the Forward Area Air Defense system, $70,000,000 is from the classified program "Tractor Helm", and $19,800,000 is from the Electronic Warfare Development program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $30,400,000 are rescinded, of which $1,400,000 is from the Antiair/antisurface warfare technology program, $1,400,000 is from the Command, control, communications advanced technology program, $5,000,000 is from the Bomb Fuze Improvement program, $4,900,000 is from the Target Systems Development program, $5,000,000 is from the Industrial Preparedness program, and $3,700,000 is from classified programs.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102-172, and proposed for rescission in R92-127, $300,000,000 are rescinded; in addition, of the funds provided under this heading in Public Law 102-172, $364,800,000 are rescinded, of which $5,800,000 is from Defense Research Sciences, $69,600,000 is from Advanced Technology Development programs, $21,100,000 is from the NCMC-TW/AA systems program, $22,000,000 is from the Night/Precision Attack program, $38,400,000 is from the Tactical Improvement Program, $47,500,000 is from the Advanced Launch System/National Launch System, and $149,400,000 is from classified programs.

Of the funds provided under this heading in Public Law 101-511, $62,000,000 are rescinded from the Follow-on Early Warning System program.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $45,700,000 are rescinded, of which $4,000,000 is from Manufacturing Technology, and $30,700,000 is from classified programs.

GENERAL PROVISIONS

SEC. 401. Funds available to the Department of Defense which were proposed for rescission by the President for programs, projects, or activities listed in the justification accompanying the rescission messages dated April 9, 1992, and which are not specifically rescinded by this Act in response to the President's request shall be made available for obligation for the same programs, projects and activities as described in the messages of April 9, 1992.

SEC. 402. The Classified Annex accompanying S. 2570 of the One Hundred Second Congress is hereby incorporated into this Act: Provided, That the amounts specified in the Classified Annex are not in addition to amounts rescinded by other provisions of this Act: Provided further, That the President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the Classified Annex, within the executive branch of the Government.

Mr. BYRD. Mr. President, it is my understanding that there is 1 hour on this amendment.

The PRESIDING OFFICER. That is correct.

Mr. BYRD. And how is that time controlled?

The PRESIDING OFFICER. That time is equally divided between the Senator from West Virginia and the Senator from Oregon or his designee.

Mr. HATFIELD. Mr. President, I am ready to yield back the remaining part of the time that I control on this substitute amendment.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. HATFIELD. I so do.

The PRESIDING OFFICER. The time of the Senator from Oregon, the 30 minutes under this amendment, is yielded back.

Mr. BYRD. Mr. President, in order to expedite the action on this amendment, so that the distinguished Senator from Arizona may call up a perfecting amendment, I shall yield back the remainder of my time on this amendment and send an amendment to the desk.

First of all, however, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Now, Mr. President, I yield back my time and send an amendment to the desk.

AMENDMENT NO. 1790 TO AMENDMENT NO. 1789

(Purpose: To rescind certain budget authority)

The PRESIDING OFFICER. The Senator from West Virginia yields back the remainder of his time and sends an amendment to the desk.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1790 to amendment 1789.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert;

That the following rescissions of budget authority are made, namely:

TITLE I

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

Of the funds available under this head, $9,200,000 are rescinded.

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–3, $38,800,000 are rescinded; of which $22,000,000 was made available for the grant to the Silver Valley Unified School District, Yermo, California; and $10,000,000 was made available for the grant to the Cumberland County School Board, Fayetteville, North Carolina; in addition, of the funds made available under this heading in Public Law 102–172, $139,989,000 are rescinded.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–4, $1,000,000 are rescinded for the Fenwick Pier Demonstration Project; in addition, of the funds made available under this heading in Public Law 102–172, $152,182,000 are rescinded, of which $400,000 is from funds for the renovation of the Vice President's residence.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, $156,650,000 are rescinded.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–7, $600,000 made available for two Post-Traumatic Stress Disorder Treatment Centers, one to be located in the State of Hawaii, and one to be located in Greensburg, Pennsylvania, for the purpose of treating military personnel, dependents, and other personnel in post-traumatic stress disorders is rescinded; in addition, of the funds made available under this heading in Public Law 102–172, $226,721,000 are rescinded, of which $5,400,000 is from support of White House communications.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–9, $50,000,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–11, $40,000,000 are rescinded from the AV–8B program; in addition, of the funds made available under this heading in Public Law 102–172, $103,000,000 are rescinded reducing funds allocated for the SH–2G program.

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds provided under this heading in subdivision "AOE combat support ship program" in Public Law 102–172, $500,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–14, $29,300,000 are rescinded; in addition, of the funds made available under this heading in Public Law 102–172, $41,000,000 are rescinded of which $29,000,000 is from firefighting equipment and $12,000,000 is from ship systems trainers.

PROCUREMENT, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–16, $42,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–18, $18,600,000 are rescinded from funds for the multipurpose individual munition and the High Mobility Multipurpose Wheeled Vehicle program; in addition, of the funds made available under this heading in Public Law 102–172, $28,000,000 are rescinded from funds to be used for Aircraft Propulsion and the classified program "Tractor Pull".

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–19, $14,000,000 are rescinded, of which $10,000,000 was made available for the Submarine Laser Communications project and $4,000,000 was allocated for the LAMPS MK III program; in addition, of the funds made available under this heading in Public Law 102–172, $6,100,000 are rescinded from funds for the Ship Towed Array program.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–20, $32,000,000 are rescinded for the Follow-on Tactical Reconnaissance program; in addition, of the funds made available under this heading in Public Law 102–172, $38,500,000 are rescinded from the F–15E and F–16 squadrons programs.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–21, $15,000,000 are rescinded from the Low-low Frequency Active Technology program.

REVOLVING AND MANAGEMENT FUNDS

PENTAGON RESERVATION MAINTENANCE REVOLVING FUND

(RESCISSION)

Of the funds available under this heading, $60,000,000 are rescinded.

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 101–519, $5,000,000 are rescinded.

Of the funds made available under this heading in Public Law 102–136, R92–22, $9,050,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–23, $12,000,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 101–148, $3,320,000 are rescinded.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 100–447, $500,000 are rescinded. Of the funds made available under this heading in Public Law 101–519, $15,100,000 are rescinded.

Of the funds made available under this heading in Public Law 102–136, R92–25, $9,000,000 are rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, $68,200,000 are rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–26, $2,772,000 are rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–27, $306,000 are rescinded.

MILITARY CONSTRUCTION, NAVAL RESERVE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–29, $10,900,000 are rescinded.

DEPARTMENT OF EDUCATION

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 102–170, for Title IV of the Carl D. Perkins Vocational and Applied Technology Education Act, $2,000,000 for choice demonstrations are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH SERVICE

(RESCISSION)

Of the funds appropriated to carry out the Public Health Service Act, the Mental Health Systems Act, the Act of August 5, 1954 (Public Law 568, Eighty-third Congress), or the Act of August 16, 1957 (Public Law 85–151) and made available for evaluation pursuant to section 2711 of the Public Health Service Act but remaining unobligated on the date of enactment of this Act, $15,000,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 102–170, $8,000,000 are rescinded: Provided, That no more than $249,000,000 of such appropriation may be expended to meet unanticipated costs of agencies of organizations with which agreements have been made to participate in the administration of title XVIII of the Social Security Act.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–139, $50,000,000 for section 8 contract amendments are rescinded.

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 102-154, $4,937,000 are rescinded.

BUREAU OF MINES

MINES AND MINERALS

(RESCISSION)

Of the funds available under this heading in Public Law 102-154, $987,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds available under this head for the site development and construction of the United States Embassy building in Kuwait, $12,248,000 are rescinded.

DEPARTMENT OF TRANSPORTATION

URBAN MASS TRANSPORTATION ADMINISTRATION

RESEARCH, TRAINING AND HUMAN RESOURCES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-143, $9,880,000 are rescinded.

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 101-513, $32,500,000 are rescinded.

INTER-AMERICAN INVESTMENT CORPORATION

(RESCISSION)

Of the funds made available under this heading in Public Law 102-145, as amended, $4,000,000 are rescinded.

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 101-513, $100,000 are rescinded.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 102-145, as amended, $64,054 are rescinded.

INTERNATIONAL FUND FOR IRELAND

(RESCISSION)

Of the funds made available under this heading in Public Law 101-513 and prior Acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

MULTILATERAL ASSISTANCE INITIATIVE FOR THE PHILIPPINES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-145, as amended, $20,000,000 are rescinded.

DEVELOPMENT ASSISTANCE; ECONOMIC SUPPORT FUND

(RESCISSION)

Of the unexpended balances of funds (including earmarked funds) made available in Public Law 98-473, Public Law 99-88 and prior Acts making appropriations for foreign assistance and related programs to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, $30,000,000 are rescinded: Provided, That this rescission shall be made from funds deobligated but continued available by section 515 of Public Law 101-513, and the corresponding authority provided in Public Law 102-145, as amended.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 102-145, as amended, $1,925,000 are rescinded: Provided, That the amount of funds made available under this heading that may be obligated for entertainment allowances is decreased by $25,000.

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 102-145, as amended, $39,015,000 are rescinded: Provided, That the amount of funds made available under this heading that may be obligated for the general costs of administering military assistance and sales is decreased by $15,000.

DEOBLIGATION/REOBLIGATION AUTHORITY

Notwithstanding section 515(b) of Public Law 101-513, and the corresponding authority provided in Public Law 102-145 as amended, no Foreign Military Financing Program funds may be reobligated pursuant to such authority from the date of enactment of this Act through September 30, 1992.

SPECIAL DEFENSE ACQUISITION FUND

(LIMITATION ON OBLIGATIONS)

The limitation under this heading in Public Law 102-145, as amended, is decreased by $40,000,000.

MILITARY ASSISTANCE PROGRAM

(RESCISSION)

Of the unexpended balances of funds made available to carry out the provisions of chapter 2 of part II of the Foreign Assistance Act of 1961, $6,750,000 are rescinded.

Of the funds made available to carry out section 503(a)(3) of the Foreign Assistance Act of 1961 that have been disbursed into the Foreign Military Sales Trust Fund, $5,760,000 may not be disbursed for any purpose and shall be deposited into the miscellaneous receipts of the Treasury.

SENATE

CONTINGENT EXPENSES OF THE SENATE

OFFICIAL MAIL COSTS

(RESCISSION)

Of the total funds appropriated under the heading "OFFICIAL MAIL COSTS" under the heading "CONTINGENT EXPENSES OF THE SENATE" under the heading "SENATE" in any appropriations Act of joint resolution making appropriations available to the Senate for fiscal years 1991 and 1992 and which (but for the provisions of this paragraph) would remain available until expended, of the balances remaining unobligated, $20,000,000 are rescinded.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 101. In addition to amounts rescinded elsewhere in this Act, of the funds made available in Public Law 102-172, $105,900,000 are rescinded of which not less than $10,000,000 was made available as a grant to the Louisiana State University for the Neuroscience Center of Excellence; $10,000,000 was made available as a grant to Marywood College, Pennsylvania, for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense; $6,000,000 was made available for a grant to the University of Texas at Austin; $6,000,000 was made available for a grant to the Northeastern University; $5,000,000 was made available for a grant to the Texas Regional Institute for Environmental Studies; $7,700,000 was made available as a grant to the Kansas State University; $1,600,000 was made available for a grant to the University of Wisconsin; $29,000,000 was made available for a grant to the Boston University; $250,000 was made available for a grant to the Medical College of Ohio; $500,000 was made available for a grant to the University of South Carolina; $750,000 was made available for a grant to George Mason University; $2,300,000 was made available as a grant to the Monmouth College; $10,000,000 was made available as a grant to the University of Minnesota; $500,000 was made available as a grant to the University of Saint Thomas in Saint Paul, Minnesota; $2,000,000 was made available as a grant to the Brandeis University; $3,000,000 was made available as a grant to the New Mexico State University; and under the heading "Research and Development, Test and Evaluation, Defense Agencies" $1,300,000 was for the Oregon Graduate Institute and $10,000,000 was for the Institute for Advanced Science and Technology.

SEC. 102. In addition to amounts rescinded elsewhere in this Act, of the funds made available in Public Law 102-172, $11,350,000 are rescinded of which $4,000,000 was made available for a grant to the Airborne and Special Operations Museum Foundation; $4,000,000 was made available for the National D-Day Museum Foundation; $1,600,000 was made available for the Museum of Science and Industry; and, under the heading "Operations and Maintenance, Navy" $1,750,000 was available for the Naval Undersea Museum as provided for in section 8115 of Public Law 102-172: Provided, That none of the funds available to the Department of Defense shall be obligated to subsidize, provide assistance-in-kind, or otherwise offset the costs of any military museum.

SEC. 103. Funds available to the Department of Defense which were proposed for rescission by the President for programs listed in the justifications of the rescission message of March 10, 1992, and which are not specifically rescinded by this Act, shall be made available for obligation for the same programs, projects and activities as listed in the message of March 10, 1992.

TITLE II

DEPARTMENT OF AGRICULTURE

OFFICE OF PUBLIC AFFAIRS

(RESCISSION)

Of the funds made available under this heading in Public Law 192-142, $62,000 for travel are rescinded.

NATIONAL AGRICULTURAL STATISTICS SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 192-142, $2,000,000 for the pesticide data program are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

BUILDINGS AND FACILITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102-142, R92-38, $500,000 for facilities completion in North Dakota are rescinded.

SPECIAL RESEARCH GRANTS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102-142, R92-44, $750,000 for Appalachian hardwoods in West Virginia are rescinded.

Of the funds made available under this heading in Public Law 102-142, R92-49, $49,000 for integrated orchard management in Vermont are rescinded.

Of the funds made available under this heading in Public Law 102-142, R92-52, $120,000 for animal waste disposal in Michigan are rescinded.

Of the funds made available under this heading in Public Law 102-142, R92-53, $134,000 for a mechanical tomato harvester in Pennsylvania are rescinded.

Of the funds made available under this heading in Public Law 102-142, R92-56, $200,000 for oil from jojoba in New Mexico are rescinded.

Of the funds made available under this heading in Public Law 102-142, R92-58, $50,000 for seedless table grapes in Arkansas are rescinded.

Of the funds made available under this heading in Public Law 102-142, R92-60, $140,000 for swine research in Minnesota are rescinded.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-142, $3,000,000 for the pesticide data program are rescinded.

FARMERS HOME ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-142, $6,031,000 for travel are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF DENTAL RESEARCH

(RESCISSION)

From amounts previously appropriated, $365,000 are hereby rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts made available under this heading in Public Law 102-139, $693,000,000 for section 8 contract amendments are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 102-154, R92-88, $5,897,000 are rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 102-154, $19,000,000 are rescinded.

DEPARTMENT OF THE ARMY

ARMY CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

(RESCISSION)

Of the funds made available under this heading in title I of Public Law 102-104, R92-91, $3,000,000 are rescinded: Provided, That the language of title I of Public Law 102-104 directing the Secretary of the Army, acting through the Chief of Engineers, to undertake in fiscal year 1992, the Red River Basin Chloride Control, Texas and Oklahoma, $3,000,000 is repealed.

OPERATION AND MAINTENANCE, GENERAL

(RESCISSION)

Of the funds made available under this heading in title I of Public Law 102-104, R92-92, $1,350,000 are rescinded: Provided, That the language of title I of Public Law 102-104 directing the Secretary of the Army, acting through the Chief of Engineers, with $1,500,000 to alleviate bank erosion and related problems associated with reservoir releases along the Missouri River below Fort Peck Dam is repealed.

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102-139, for contracts, $20,000,000 are rescinded.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of the funds made available under this heading in Public Law 102-139, for the alternative remedial contracting system, $20,000,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 102-139, $1,500,000 for space exploration studies are rescinded.

Of the amounts made available under this heading in Public Law 102-139, $2,500,000 for the National Aerospace Plane are rescinded.

Of the amounts made available under this heading in Public Law 102-139, $10,000,000 for Climsat earth probe are rescinded.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

(RESCISSION)

Unobligated balances for the following research grants are rescinded upon enactment: "Middle Class Lawyers: The transformation of small firm practice"; "Monogamy and aggression"; "Holism in Psychobiology in the Twentieth Century"; "Affective Bases of Person Perception"; "The representation of Attitudes"; "Economic opportunity in urban America 1850-1870"; "A historic study of Japan's famous slogan "Rich Nation, Strong Army" and its impact on Japanese Technology"; "Status attainment in Chinese urban areas"; "Firm age and wages"; "American perceptions of justice": "An east-west collaborative study"; "Herd behavior: Microfoundations and evidence from decision making by firms and about the global environment"; "Analysis of mental computation performance and estimation strategy-use among Japanese students and curricular of these topics in Japanese schools"; "The timing of control and stock externalities in the presence of learning with application of global warming"; "Conflict paradigms and the instance theory of automization"; "Exemplar-based processing in social judgment"; "A history of applied science in France, 1801-1941"; "Emerging coalitions in the Soviet All-Union and Republican Legislature"; "Compensation system design, employment and firm performance: An analysis of French microdata and a comparison to the U.S.A."; "The structures and processes of building provisions: A case study of master-planned communities"; "The transformation of the large law firm in England: A comparative analysis"; "The evolution of optimizing behavior and of attitudes towards risk"; "Applying space technology to global change: values, institutions and decisions"; "Traditional and nontraditional forms of popular religion in Sicily"; "Auctions with entry/exit decisions"; "Maintenance of a polymorphism in mating behavior in swordfish"; "The systematic study of senate elections"; "The late prehistoric political economy of the Upper Mantaro Valley in Peru"; "Sexual mimicry of swallowtail butterflies"; "Song production in freely behaving birds"; "American legal realism, empirical social science and the Law professor's professional identity"; "Norms, self-interest and taxpayers decisions: adaption to 1986 tax reform".

The National Science Foundation shall report to the Committees on Appropriations by May 22, 1992 on the amount of unobligated balances committed for these grants.

DEPARTMENT OF DEFENSE—MILITARY

PROCUREMENT

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds provided under this heading in the subdivision "SSN-21 attack submarine program" in Public Law 102-172, and proposed for rescission in R92-101, $375,500,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, and proposed for rescission in R92-102, $189,400,000 are rescinded.

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $1,000,000,000 are rescinded from funds for the B-2 bomber.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $131,000,000 are rescinded from the National Aerospace Plane.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $1,300,000,000 are rescinded from the Strategic Defense Initiative.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading for the Office of the Federal Inspector for the Alaska Natural Gas Transportation System in Public Law 102-154, R92-34, $144,590 are rescinded.

TITLE IV

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $11,300,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $16,700,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $33,300,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $33,000,000 are rescinded from classified programs.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–105, $46,300,000 are rescinded; and of the funds provided under this heading in Public Law 101–511, $150,000,000 are rescinded.

Of the funds provided under this heading in Public Law 101–161, $10,700,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–107, $15,000,000 are rescinded.

WEAPONS PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in the subdivision "Other Missile Programs" in Public Law 101–511, and proposed for rescission in R92–111, $60,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, $2,500,000 are rescinded from classified programs.

Of the funds provided under this heading in Public Law 101–511, $37,000,000 are rescinded, of which $22,000,000 is from Point Defense Support Equipment and $15,000,000 is from the Productivity Investment Fund program.

PROCUREMENT, MARINE CORPS

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $55,000,000 are rescinded of which $25,000,000 is from Tactical Intelligence Enhancements and $30,000,000 is from Night Vision Equipment.

MISSILE PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, $416,300,000 are rescinded, of which $344,000,000 is from the Advanced Cruise Missile program and $72,300,000 is from the MX missile program.

Of the funds provided under this heading in Public Law 101–511, $112,200,000 are rescinded from the MX missile program.

OTHER PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, $118,200,000 are rescinded, of which $105,100,000 is from classified programs and $13,100,000 is from the Base Support program.

Of the funds provided under this heading in Public Law 101–511, $20,000,000 are rescinded from the Base Support program.

Of the funds provided under this heading in Public Law 101–165, $30,000,000 are rescinded from the Electronic Drug interdiction program.

PROCUREMENT, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $10,700,000 are rescinded from classified programs.

NATIONAL GUARD AND RESERVE EQUIPMENT

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–120, $45,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $196,200,000 are rescinded, of which $49,400,000 is from the antisatellite weapon (ASAT) program, $51,000,000 is from the Forward Area Air Defense system, $70,000,000 is from the classified program "Tractor Helm", and $19,800,000 is from the Electronic Warfare Development program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $30,400,000 are rescinded, of which $1,400,000 is from the Antiair/antisurface warfare technology program, $1,400,000 is from the Command, control, communications advanced technology program, $5,000,000 is from the Bomb Fuze Improvement program, $4,900,000 is from the Target Systems Development program, $5,000,000 is from the Industrial Preparedness program, and $3,700,000 is from classified programs.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–127, $300,000,000 are rescinded; in addition, of the funds provided under this heading in Public Law 102–172, $364,800,000 are rescinded, of which $5,800,000 is from Defense Research Sciences, $69,600,000 is from Advanced Technology Development programs, $21,100,000 is from the NCMC–TW/AA systems program, $22,000,000 is from the Night/Precision Attack program, $38,400,000 is from the Tactical Improvement Program, $47,500,000 is from the Advanced Launch System/National Launch System, and $149,400,000 is from classified programs.

Of the funds provided under this heading in Public Law 101–511, $62,000,000 are rescinded from the Follow-on Early Warning System program.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $45,700,000 are rescinded, of which $4,000,000 is from Manufacturing Technology, and $30,700,000 is from classified programs.

GENERAL PROVISIONS

SEC. 401. Funds available to the Department of Defense which were proposed for rescission by the President for programs, projects, or activities listed in the justification accompanying the rescission messages dated April 9, 1992, and which are not specifically rescinded by this Act in response to the President's request shall be made available for obligation for the same programs, projects and activities as described in the messages of April 9, 1992.

SEC. 402. The Classified Annex accompanying S. 2570 of the One Hundred Second Congress is hereby incorporated into this Act: Provided, That the amounts specified in the Classified Annex are not in addition to amounts rescinded by other provisions of this Act: Provided further, That the President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the Classified Annex, within the executive branch of the Government.

Mr. BYRD. Mr. President, how much time is there on this amendment, and under whose control?

The PRESIDING OFFICER. There is a period of 1 hour on this amendment. The time is equally divided between the Senator from West Virginia and the Senator from Oregon or his designees.

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

Mr. HATFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATFIELD. Mr. President, I am prepared to yield back the half hour in my control, and if the chairman of the committee controlling the other half yields back his time under his control, does that then set the stage for a Senator to offer a perfecting amendment with a 1-hour time agreement?

The PRESIDING OFFICER. The Chair will state that if both Senators yield back their time, there will then be the original text with two substitute amendments, so that tree is closed.

The Senator from Arizona can offer a perfecting amendment to the original text at that point and that would be in order and that will have 1 hour of time equally divided.

If both yield back their time, and they already have on the first amendment to the text offered by the Senator from West Virginia, and if both yield back their time on the second amendment offered by the Senator from West Virginia, then all time has expired and those two amendments are in a position where the yeas and nays have been ordered.

I believe that the Senator asked for the yeas and nays on the second substitute; was that correct?

Mr. BYRD. This Senator has not yet requested the yeas and nays on the second substitute.

The PRESIDING OFFICER. The yeas and nays have been ordered on the first substitute. I apologize to the Senator.

So now if the time is yielded back, then the perfecting amendment to the original substitute text is in order.

Mr. HATFIELD. Mr. President, I yield back the remainder of the time I control under this substitute amendment.

The PRESIDING OFFICER. The Senator yields back his time on the second substitute that is offered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I yield back my time.

The PRESIDING OFFICER. The Senator from West Virginia yields back his time.

All time on the two substitute amendments to the original substitute which is being read for the purposes of an amendment as original text has expired. So all time has expired on those two substitutes.

Mr. BYRD. Mr. President, the Senator from Arizona, if he gets recognition, may now offer a perfecting amendment; is that not correct?

The PRESIDING OFFICER. The Senator may offer a perfecting amendment to the original text.

Mr. McCAIN addressed the Chair.

Mr. BYRD. Mr. President, the Senator is not limited to offering a perfecting amendment to the original text.

The PRESIDING OFFICER. The Senator is correct. There is the bill, there is the substitute to the bill, and there are two substitute amendments to the substitute of the bill. What the Chair was stating was that an amendment may not be offered to the two substitutes to the bill because that tree is closed. But an amendment may be offered to the original text or to the substitute that was offered by the committee.

It was the Chair's understanding that the substitute that was offered by the Senator from West Virginia was to the first substitute. If so, there are two amendments. There are two separate substitutes pending. So you have the original bill, the substitute to the original bill, the first substitute of the Senator from West Virginia and the second substitute of the Senator from West Virginia. You would have those alternatives. Was that the intention of the Senator from West Virginia?

Mr. BYRD. That is in accordance with the rules and the law. The original bill is open to a perfecting amendment. The committee substitute to the original bill is open to a perfecting amendment.

The PRESIDING OFFICER. The Senator is correct. So that the Senator offered a substitute to the substitute. That was the point I was trying to determine. I understand that now.

The PRESIDING OFFICER. Who seeks recognition.

Mr. McCAIN. The Senator from Arizona.

AMENDMENT NO. 1791

(Purpose: To fully rescind funds proposed for rescission in R92-101)

Mr. McCAIN. Mr. President, I have at the desk a perfecting amendment to the original text and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment to the original test offered by the Senator from Arizona.

Mr. McCAIN. Mr. President, that perfecting amendment is to the first Byrd substitute.

The PRESIDING OFFICER. Correction. The Senator is offering the amendment to the first Byrd substitute; is that correct?

Mr. McCAIN. Correct.

The PRESIDING OFFICER. The clerk will report the amendment to the amendment to the first Byrd substitute.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself and Mr. ROTH, proposes an amendment numbered 1791.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place:

DEPARTMENT OF DEFENSE—MILITARY

PROCUREMENT

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds provided under this heading in the subdivision "SSN-21 attack submarine program" in Public Law 101-511, $1,075,700,000 are rescinded; and of the funds provided under this heading in the subdivision "SSN-21 attack submarine program" in Public Law 102-172, $1,690,200,000 are rescinded.

Mr. McCAIN. Mr. President, before I begin, I would like to ask, for the benefit of my colleagues, a parliamentary inquiry. How much time remains on the bill itself?

The PRESIDING OFFICER. There is approximately 8 hours and 13 minutes remaining on the original bill.

Mr. McCAIN. I thank the Chair.

Mr. President, before I continue I would like to extend my appreciation to both the chairman of the Appropriations Committee, Senator BYRD, and the ranking Republican member, Senator HATFIELD, for their courtesy in allowing me to bring this amendment to debate and to a vote.

Mr. President, the amendment that I am proposing would restore the President's rescission in the Seawolf program. It would cut $2.766 billion from the fiscal year 1992 budget in SSN-21 shipbuilding and conversion funds and $189.4 million in SSN-21 other procurement funds. This is a total of $2.955 billion. The effect of the amendment would be to limit construction of the Seawolf to the SSN-21 now being built and terminate the program. It would not fund either the second Seawolf, the SSN-22, or the third, the SSN-23. It also would not restore funding for any other item of defense activity. It is a straightforward restoration of the President's decision to cancel the Seawolf program after the first submarine.

Mr. President, before I turn to my reasons for proposing this amendment concerning the Seawolf submarine, I would like to put this amendment in context. We are not just debating individual rescissions, we are addressing a process which is clearly flawed and which violates the principles on which a workable rescission process should be based.

After vetoing the tax bill, President Bush sent over a package of rescissions that he wanted considered by the U.S. Senate. There were some, I believe, 130 rescissions in the President's package, and we are only considering a small number of these rescissions today.

What we are actually considering in this package is not the President's proposals, but the proposals of the Senate Appropriations Committee. We will not be voting today to address the rescissions proposed by the President. We will not be voting to rescind the expenditure of $2.7 million on a food marketing center in Pennsylvania. We will not be voting today to rescind $400,000 for cool-seasoned legume research. We will not be voting to rescind a $3.1 million poultry center. We will not even be voting to rescind $200,000 for the Vidalia onion storage research facility or the other projects which deserve to be rejected by this body and the American people because they are—and I use the word with some hesitancy—pork barrel spending.

We have not responded to President Bush, and he has made his views very clear about our lack of response. Mr. President, I ask unanimous consent that the statement of the administration be printed in the RECORD.

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

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, May 5, 1992.

STATEMENT OF ADMINISTRATION POLICY

(S. 2403—Rescission Bill, FY 1992—Sponsor: Byrd, West Virginia)

This Statement of Administration Policy provides the Administration's views on S. 2403, the rescission bill, as approved by the Appropriations Committee. For the reasons discussed below, the President's senior advisers would recommend veto of the substitute to S. 2403 reported by the Committee on April 30th.

In an effort to reduce wasteful spending, the President recently proposed 224 rescission items totaling $7,879 million. While the Appropriations Committee's Bill exceeds the total level of rescissions proposed, it is the Administration's view that the Committee has taken an unnecessary, undesirable, and unproductive approach by targeting outs in critical strategic and other defense programs.

In particular, the Administration strongly objects to the rescissions of: $1.3 billion for the Strategic Defense Initiative; $1.0 billion for the B-2; $0.18 billion for the National Aerospace Plane and National Launch System; and about $0.4 billion for unidentified classified programs.

The President proposed over $7 billion in defense rescissions by identifying those programs that are no longer needed as a result of changes in the external threat to national security. Cutting critical programs is not a viable alternative to eliminating unnecessary programs such as the Seawolf Submarine, M-1 tank conversion, F-14 aircraft modifications, and reducing unnecessary National Guard and Reserve Equipment funding. In addition, the Administration has not had an opportunity to review the Classified Annex for the classified programs and strongly objects to language that would incorporate the Annex by reference.

The Committee approved only $12 million of the $737 million in domestic program reductions proposed by the President, and substituted what the Administration believes is a gimmick. The Administration strongly opposes the $743 million rescission of section 8 certificate amendments because it would not result in any decrease in Federal spending. Instead, the rescission would only increase the unfunded liabilities for those long-term subsidies. The funds for these section 8 amendments are needed to cover the long-term requirements of subsidized rental housing contracts.

FY 1992 appropriations for International Affairs programs have already been cut substantially more in percentage terms than ei-

ther domestic or defense programs, relative to the spending limits in the Budget Enforcement Act. Funding for foreign assistance is especially constrained under the Continuing Resolution and because of reprogramming of existing funds to the former Soviet Republics. The Administration believes that most of the reductions identified by the Committee would adversely affect the Administration's ability to support important foreign policy objectives.

(Mr. KOHL assumed the chair.)

Mr. McCAIN. I will quote from this statement very briefly.

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Mr. President, let me repeat a key point. We are not here today to consider the President's rescission package. We are here to consider a package of proposals made by the Senate Appropriations Committee. Now this is entirely within their authority. It is entirely within their authority under the Budget and Rescission Act of 1974. But what will happen, Mr. President—and I think the American people should know—is what happened on the tax bill, what is going to happen on campaign finance reform and what is going to happen with other bad legislation this year. The wrong kind of bill will be passed by this body, and will go to conference. There will be a House-Senate conference report which will also fail to meet the Nation's needs, which will be vetoed by the President, and the President's veto will be sustained.

The problem is that there will be no rescissions. There will be no reductions in the wasteful and pork barrel spending which has helped so enormously in giving us a $4 trillion deficit.

Mr. President, President Bush offered 130 rescissions and the Appropriations Committee rejected 97. It turned the entire rescission process into what appears to be congressional disregard for most of the President's rescission packages.

I am confident the voters are already angry about waste in the Congress and will become more angered after watching this debate. I am confident they are not interested in congressional turf wars; they are interested in results. It is this interest in results which explains why Americans hold Congress in increasingly low esteem.

Mr. President, let me now turn to the specific issue at hand. My amendment concerning the Seawolf submarine, involves complex issues and issues which are not easily fully debated in 1 short hour of time. I will restrict myself to summarizing my key points, and let others raise their arguments in amplification.

Let me start out by saying that I have the deepest sympathy, admiration, and respect for those who work at the Electric Boat Co. and make the finest submarines that the world has ever seen. They have a record of doing an outstanding job, for many years and there is no doubt that the Seawolf submarine is an advance in the state of the art.

But the time where we need to spend over one-fourth of this country's shipbuilding budget on one class of ship which is designed to fight a specific class of ships, that is, the Russian nuclear submarine fleet, is over. The Russian submarine construction effort is fading, and many Russian submarines are not leaving port.

The time when we needed a Seawolf designed to protect our sea lines of communications when there is no longer a threat to those sea lines of communications is over. The time we could fund submarines we don't need when there are other compelling national security requirements such as sealift, airlift, amphibious capability, rapidly deployable forces, communications, better intelligence is over. All of the lessons of the Persian Gulf war indicate that there are many other areas we need to spend more money. For example, the greatest threat to peace in the world today is the proliferation of weapons of mass destruction and the means to deliver them—a threat the Seawolf does nothing to counter.

The Seawolf simply does not have a priority which justifies the expenditure of the taxpayers' dollars at a time when defense is shrinking.

We literally cannot afford to live in the past. Today, we have very different defense budgets. Even if the President's fiscal year 1993 budget is fully funded, it will be 29 percent smaller in real terms than it was in 1985—at the height of the Reagan buildup. It will be 7 percent smaller than in fiscal year 1992. By fiscal year 1997, it will be 37 percent lower than it was in fiscal year 1985. The cold war is over and so are the cold war defense budgets. Even if the Bush 5-year defense program for fiscal year 1993–fiscal year 1997 is fully funded, defense spending will drop by an average of 4 percent per year, and be 37 percent lower in fiscal year 1997 than it was in fiscal year 1985.

Now this may sound like one more empty economic statistic, and we hear a lot of them upon this floor, but it does have a very practical meaning. We are not debating increases in the defense budget. We are not talking about increases in Federal spending. We are only talking about one thing: Transfering the taxpayers' money from one account to another.

What this means, in very simple terms, is that no action we take here today will keep more Americans at work. In fact, virtually every action we take that requires the Department of Defense to waste time and scarce resources in unnecessary purchases and other activities will increase overhead and cost jobs. The net impact of our actions—by encouraging wasteful spending—will really be fewer jobs for America.

If the Seawolf is continued for the second and third production model, we will indeed save jobs at the Electric Boat Co. in Groton, CT and in Rhode Island. But, since there is a fixed ceiling on the defense budget, we can only do so by forcing other Americans to lose jobs someplace else in our country. The money that will be spent on the Seawolf submarine will not be spent on other systems—other systems that the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff too, are more critical to our national security needs.

Let me also point out that if the Seawolf submarine is continued and SSN-22 and SSN-23 are produced, we still will not have jobs in the long run. Buying two more Seawolves will not be enough to bridge the gap between the present shipbuilding effort at the Electric Boat Co. and the time when the Centurion submarine, which is the follow-on submarine to the Seawolf, will be ready for construction. We will only save part of the jobs involved and then only for a few short years.

Now let me talk about costs. The Comptroller's office of the Department of Defense has just given me its latest estimate of the true incremental cost to complete two Seawolf submarines. I will go with the judgment of the Comptroller's office, although others may use older and different figures.

The incremental cost of building two more Seawolves after all termination costs are paid, is $2.8 to $3.3 billion from 1992 to 1997. This is not the total incremental cost; it is simply the incremental cost of the program over the coming 5-year period when we can make reasonable predictions. It also assumes that the Seawolf will not be subject to further cost escalation, although such cost escalation is highly probable because of troubled subsystems in the Seawolf like to BSY-Z.

Now what does spending that $2.8 to $3.3 billion mean in terms of jobs lost to other people? A lot of people have talked about what this spending means

to Electric Boat and its subcontractors, but this $2.8 billion to $3.3 billion only comes by taking jobs away from other people. It costs about $35,000 a year to keep one of the men and women who served in Desert Storm in service. This is also about the cost of keeping one ordinary worker employed in the defense industry. If we use this $35,000 measurement as the cost of labor, then providing this funding for the Seawolf submarine will displace the jobs of 80,000 other Americans.

I know those who favor the Seawolf can argue with the exact details of this calculation, but they cannot argue with the fundamental reality that what is good for Electric Boat is not good for our Armed Forces and is not good for the rest of the defense industry. We are talking about job displacement, not job creation. Someone in New England or in the Midwest or in the South or in the West will lose his or her job for every job retained at Electric Boat.

Let me be even more specific. Electric Boat has conveniently provided me with its estimates of the money that will be spent in Arizona on two more Seawolfs—$59,052,000. This money will go to several key firms in my State—Allied Signal, ITT, Cannon, and Sergeant Controls. I could make much the same argument for jobs as my colleagues in Connecticut and Rhode Island, and I am not rising to oppose the Seawolf because they are getting the money and Arizona is not. The problem is that providing that $59 million for the firms in my State has to come from somewhere else. It may well mean more defense industry employees, men and women in uniform, and Department of Defense civilians lose their jobs in Arizona than would be the case if we did not fund the Seawolf.

Let me now turn to the issue of Seawolf and our national defense needs. The plain truth is the arguments being made for Seawolf have little to do with our Nation's defense. As I noted earlier, the Seawolf class of submarines is a historic relic of the cold war. In fact, even when the cold war was underway, the SSN-21 was a source of intense controversy within the Navy. Many submariners felt the decision to construct the SSN-21 class submarine was wrong. They worried that the Seawolf was being built to justify a given reactor design rather than respond to a threat. They worried that the value of the Seawolf would be dependent on a class of advanced weapons like the Sea Lance that might never be fielded, and they were right. All of these weapons have now been canceled.

They felt the Seawolf would only make marginal war fighting improvements over the SSN-688, and they were far more right than they could ever have feared. We now have a world where we no longer plan to fight an aggressive and constantly modernized Soviet submarine threat. They felt each Seawolf would be so costly that its construction would force us to make major cuts in our total number of actively deployed submarine and surface forces, and they will probably be right here, too.

Finally, they also felt the decision to build the SSN-21 responded to the views of the Navy submarine technocracy, while many Navy war fighting studies indicated that what was needed was a much smaller and more flexibly designed submarine. In fact, the Centurion concept is just this smaller and more flexible submarine.

Mr. President, if the Seawolf will not bring jobs and will not bring added national security, what will it bring? Some advocates have argued that its construction will have a beneficial impact on our industrial base. But, Mr. President, the industrial base argument simply does not hold water. To begin with, we face the same basic problem of tradeoffs when we spend money to preserve Electric Boat's industrial base that we face when we spend money for Electric Boat's jobs. We only have a fixed amount of money. Everything we spend on Electric Boat's industrial base requires us to cut some other aspect of our defense industrial base. We also cannot argue for spending money to preserve just one part of our cold war industrial base. If we use the argument for the Seawolf industrial base, then what reason do we have for terminating the industrial base for strategic bombers? For small ICBM's? Or for all the other weapons systems which we have had to cancel.

We also must consider the fact that all the present arguments for the Seawolf assume that Congress will make no further cuts in President Bush's defense budget requests, that there will be no further cost escalation in the Seawolf submarine, and that the Navy's changing force requirements will not lead to still further cuts in the active nuclear submarine forces. Yet, none of these premises seem likely to prove valid.

Unless new threats emerge, Congress is likely to make still further cuts in defense spending, just as it is doing with this rescission package when it takes money away from the programs we really need. The Navy is reappraising the Soviet submarine threat and is highly likely to cut its total nuclear-powered submarine force to preserve its power projection capabilities. It may well turn out that we could suspend nuclear attack submarine construction for several years and focus a much smaller amount of resources on creating the kind of new submarine design and industrial base we really need to meet our new national security needs.

Let me conclude by reminding my colleagues that my amendments of the Seawolf only focus on the most visible problem we face in the rescission package. There are many other problems. The Appropriations Committee rescission bill finds a mysterious $500 million in excess inventory that it cannot really identify. It takes $86 million out of something called Pentagon travel. It kills $525 million in sealift, and naval support vessels, although our need for more sealift capability is a clear lesson of the Persian Gulf war.

The Appropriations Committee bill takes $38.5 million away from the F-15 and F-16 programs, which are a vital part of our power projection activity. It effectively kills the National Aerospace Plane Program. It takes $344 million away from a greatly reduced Strategic Nuclear Weapons Program before we have a START treaty, and it takes several hundred million dollars away from a wide range of research and development activities.

We also have to remember this bill will go to conference with the House bill, which may include different priorities and different special interests: It may include waste such as spending $61 million on unnecessary MRE's or meals ready to eat. It may include waste like spending $20 million on unwanted 2.5-ton truck engines of the wrong kind, spending $78 million on unwanted shipyard modernization, $32 million on a Fort Bragg Irwin educational demonstration project, $164 million on unrequested naval aircraft modifications, and $36 million on unneeded electronic buoys and total array sonars.

We also risk confronting a whole new list of House rescissions in military research and development, including some $366 million in Navy R&D programs, $5 million in Air Force R&D programs and $238 million in Army R&D programs.

In presenting my amendment, I deliberately avoided mentioning the damage that this rescission package will do to our SDI Program at a time when it is clear we face major uncertainties regarding the nuclear forces of the former Soviet Union and a growing risk of proliferation. I hope that by concentrating on one key issue of the expenditure of the taxpayers' dollars, then we can at least remove one major abuse from this exercise. The fact is, however, the appropriations bills would make massive changes in defense policy and strategy under the name of rescissions.

Mr. President, the process cries out for reform. I still think that, in all fairness to the American taxpayers, every one of the President's rescissions should have been considered by this body.

Yet, most of the President's rescissions that he requested will never even be voted on, and that is wrong. We must both reform this and learn we simply cannot afford to spend billions of dollars on weapons systems, that do not meet the priorities of our national

security in these days of shrinking defense budgets.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, how much time does the distinguished Senator need?

Mr. INOUYE. Fifteen minutes.

Mr. BYRD. I yield 15 minutes to the Senator from Hawaii [Mr. INOUYE].

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

Mr. INOUYE. Mr. President, I rise with some reluctance because I find it necessary to speak against my dear friend and colleague from Arizona.

When the Seawolf program was first conceived, the Pentagon planned to produce 29 submarines. Then it was later reduced to 15, further reduced to 9 and last year concluded that three would suffice. Now the amendment is to further reduce that to one.

The major thrust of my friend from Arizona is that by following the President's rescission request, the taxpayers of the United States would save money. Mr. President, if that were true, I would not be standing here.

It just happens that whenever there is a contract of this magnitude, or for that matter even a smaller one, defense contractors almost always will include in the contract provisions a termination clause, a clause that would become operative if the United States should decide to cancel the contract. In this contract, there is such a termination clause. And so, when the President made his announcement on the rescission, naturally, the Armed Services Committee of this body convened a special meeting to question the Assistant Secretary for Acquisition. And a simple question was asked: What is the cost of termination? How much will it cost the people of the United States to terminate this contract? The answer was: We do not know.

Soon thereafter, the Department of Defense Comptroller came forth with a number, $450 million. Almost immediately after that, it was amended to $900 million. As of this moment, the latest number is $1.9 billion. And even at that, there are those who suggest that it could go higher than that.

But, Mr. President, let us assume that it is $1.9 billion. We should add to this amount $1 billion more because the contractor, in pursuance of the provisions of this contract, proceeded to procure equipment, parts, supplies—1 billion dollars' worth of supplies, equipment, and parts. In other words, $1 billion has already been sunk into these two submarines. So now we have, according to the Navy, termination and sunk costs of $2.9 billion, a sum which incidentally exceeds the amount that is supposed to be saved for taxpayers.

No one disagrees that if these two submarines are rescinded and the contract is canceled, the producer, Electric Boat Co., will go out of business. No one can contest this. Everyone knows that this Electric Boat Co. has been making submarines for nearly 100 years. That is all they have made all these years; they have provided the Armed Services of the United States with submarines. If we decide to do away with the Seawolf, that plant will close.

Then another provision comes into effect: The shutdown cost. According to the figures presented to the Armed Services Committee, that would be somewhere between $500 million and $1.5 billion. So the cost of termination, Mr. President, could be somewhere between $3.4 and $4.4 billion.

On one side of the ledger, the President says by following his rescission, we will save $2.9 billion. And yet if we add up all of the costs associated with termination, we would say to him: "But, Mr. President, to follow your advice would cost $3.4 to $4.4 billion." There is no savings whatsoever; none whatsoever.

We spoke of the industrial base. My friend from Arizona says that is not a valid argument. But this is the only shop that can make these submarines. We need to bridge the gap to construction of the next generation submarine, the Centurion. Otherwise, history will tell us manpower, personnel, management of Electric Boat will just scatter. No one will be sitting in Groton, CT, waiting for the next job without getting paid.

Why is this so important? Mr. President, we have the edge in nuclear propulsion. Our nuclear fleet has already sailed 90 million miles. It has also has had 4,000 years of operation without one mishap—without one mishap. So our technology is an advancement, a very important one, one that we should be very careful in not losing. In fact, when the Deputy Secretary of Defense was asked, do you know what the impact would be, if this is rescinded, the answer was no, because no studies had been made. The studies began after the decision was made, Mr. President. I cannot quite understand how they reached the decision to rescind these funds, not having made the appropriate studies.

Third, Seawolf is the new generation attack submarine. We are not talking about the Trident, the ones that have missiles that cross continents. These are the attack submarines. This submarine will carry cruise missiles. That was the smart bomb of the Persian Gulf war. The *Los Angeles* class, or the SN-688, will carry 12. This submarine will carry almost twice as many. It can respond to regional conflicts.

Yes, it is true that the Soviet Union is no more and the Warsaw Pact is no more, but we have regional problems. I doubt if anyone in this august body can tell us what will happen in the Middle East 6 months from now, or between India and Pakistan, or in the Korean Peninsula.

It might be well if we remind ourselves, Mr. President, that in January 1990, we, the people of the United States, were absolutely certain that Saddam Hussein was our friend. In fact, General Schwarzkopf was being groomed for retirement; his services were no longer needed. The Central Command was in the process of being dismantled, half sent to Europe, the other half to the Southern Command.

At the same time, our Department of Commerce was in the process of establishing a trade fair in Baghdad to sell the Iraqis aerospace technology and computer technology. He was the recipient, the major beneficiary of a $4 billion agricultural aid program. He had a $200 million line of credit with the Eximbank. On August 3, he became the second Hitler of this century.

Mr. President, if you recall, several of my colleagues visited Saddam Hussein and came back with very favorable comments to make of him. And so if you ask me will there be another situation where weapons of this nature can be used, I do not know. But all I know is that we thought Saddam Hussein was our friend in 1990 and look where it led us.

So I hope that from the standpoint of saving money, we will defeat this amendment; from the standpoint of saving our technological edge, we will defeat this amendment; and No. 3, from the standpoint of the uncertainty on this globe, we will defeat this amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN addressed the Chair.

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

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

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

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, I yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington for 5 minutes.

Mr. GORTON. Mr. President, under normal circumstances, one would expect this amendment to be adopted almost unanimously by this body because it combines two elements in its decade-long debate over our national defense. It would normally be supported by those who simply think we are wasting far too much money on the national security of this country and should have more money for a peace

dividend and who therefore, generally speaking, vote against any new weapons system. And of course it should be supported by those who can discern no significant purpose for the Seawolf submarine.

Nevertheless, by a set of steps of legislative legerdemain we now have a bill which is not only a rescission bill, which in the view of this Senator is a pork barrel bill, we are going to retain defense systems which the Secretary of Defense and the armed services believe, quite correctly to be unneeded. And we are going to do so by canceling defense systems which those same people feel have a real purpose.

This Senator recognizes that both the B-2 and the SDI programs are controversial. Nevertheless, in each case there is some realistic scenario of use for a Stealth bomber and for defense against rogue missile attacks against the United States.

There is, Mr. President, no purpose whatsoever for a Seawolf submarine. Proponents are reduced to arguing that we simply have to keep a company in business, paying it presumably billions of dollars a year just to be there even though the entire threat for which the Seawolf submarine was designed has totally and completely disappeared.

In addition, and just as an aside, all of the very real savings of millions of dollars in the original rescission bill have been canceled almost without exception and for them we substitute a housing program cancellation which is not a real cancellation and which will simply defer a bill to another year.

This bill, in the view of this Senator, Mr. President, is designed to be vetoed. It is designed to save all of the spending programs, both those nominally canceled in this bill because the bill will be vetoed but therefore saving all of the spending programs which the President proposed for rescission as well. The real goal is to save no money at all.

Mr. President, I am convinced that this bill, should it go to the President, will be vetoed because it misstates defense priorities, saving pork and reducing programs which can have some impact on the future of the United States.

I will further submit, Mr. President, that while this way of doing business will almost certainly be successful in this body, it will not be successful with the people of the United States or in the Presidential election.

Mr. President, I hope and believe, when he vetoes this proposal, will simply resubmit his original realistic proposal. This body can do what it is doing here over again if it wishes to do so, but the President of the United States will win the battle over the minds and hearts of the people of the United States on the proposition of whether or not this submarine without a purpose but with a huge cost ought to be integral to the future defense of the United States.

It should not be. This gimmick will not be successful. We should go ahead and vote on the proposals which the President submitted to us in the first place.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I yield 6 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Chair recognizes Senator CHAFEE for 6 minutes.

Mr. CHAFEE. Mr. President, it is curious, is it not, that on the floor of the Senate, when we do not like a program, it is pork barrel. We have heard those accusations made this afternoon about different programs, particularly as regards the *Seawolf*, whereas if something is made within our State, whether it is a B-2 or whatever it is, that is not pork barrel, that is something quite different.

Well, we are used to those charges. But, Mr. President, I would just like to say that this argument in favor of the *Seawolf* this afternoon is not one based upon jobs. No matter what happens, whether the *Seawolf* second and third are built, the employment at Electric Boat will decline from the current level of 21,000 to less than 9,000 individuals. So that is a cut of some 60 percent.

Mr. President, we have heard some very strong arguments made by the distinguished Senator from Hawaii in favor of the *Seawolf* submarine.

Let me just say something about industrial base. Somehow that seems to be scorned here as another word for pork barrel. Electric Boat has built submarines since the 1890's, and indeed during the Depression, when they did not receive orders from the United States Navy, they received orders and were able to survive because of shipbuilding contracts, submarine building contracts from Peru, Australia, Great Britain, Brazil, and Canada and they were kept alive. In the peak of World War II, in 1942, Electric Boat was producing a submarine for the U.S. Navy every 2 weeks. That was the demand placed upon Electric Boat.

Now they are not permitted to sell submarines abroad, either nuclear-powered submarines, or they are not permitted to go into the market of diesel submarines. So their only customer is the U.S. Navy.

It is incredibly complicated to build a submarine. Indeed, it takes from 4 to 5 or 6 years in some instances and the skills of the welders and the electricians and the pipefitters and the engineers are not easily developed. People who talk about marking an industrial base say, well, we will have the same for the B-2 and we will have the same for aircraft construction.

There is a link between modern commercial aircraft and building bombers and building fighter aircraft, but there is no link between building submarines and anything else. Indeed, what will create the most sufferance will come from the suppliers to these two principal yards. We just do not have those subcontractors around that can build these intricate valves, built at extreme tolerances because of the nuclear demand. They are not building the same type of valves for the nuclear-powered cruisers or aircraft carriers. So these subcontractors will just plain go out of business.

If we do not build *Seawolf* two and three, there will not be a new submarine ordered by the U.S. Navy from either of these two yards for a gap of at least 7 years because nobody anticipates we are going to be ordering new submarines.

The *Centurion* at the last part of this century, probably in the year 1999, will be the first order to go out for a new submarine. So what we are talking about here is serious business.

I do not think we ought to denigrate the term "industrial base" because it is going to be gone. I am deeply concerned because, yes some 21,000 Rhode Islanders work for Electric Boat. There will not be 9,000 after this year because no matter what happens that will decrease by some 60 percent. But these individuals have incredible skills. They are going to be closed.

We build the first part of the submarine. Then it is shipped down to Groton. The balance of the hull is assembled there. The balance of our workers are gone. This great naval shipyard will be closed. So I believe at the very marginal extra cost that is going to be covered here, perhaps $2.7 billion additional, because there are some costs that have already taken place—they are not going to be recovered—some $2.5 billion is already spent or will be spent, needed to close these yards.

But there is another factor, Mr. President, I would like to mention. That is if these yards are closed, and if this base is lost, these subcontractors, the costs for the new submarine, the *Centurion*, at the last part of this century will be incredibly high. No one is able to calculate that. But it seems to me we ought to consider the costs of that additional submarine, those new submarines that we are going to build.

No one has suggested we are going to be without submarines in the U.S. Navy. So when we proceed to build that new class of submarine, the *Centurion*, at the last part of this century, the cost of that submarine will be astronomically high because we have lost that base. Can we create that base again? Yes, we can. Will it cost a tremendous sum? Unquestionably. Will those first submarines be of the quality they should have been? No. Because of the lost skills and techniques of those subcontractors.

So, Mr. President, I very strongly oppose this amendment by the Senator

from Arizona and strongly hope that this Congress will reject that amendment, will proceed with the construction of the second and third *Seawolfs*. That will not have these yards flourishing. Once upon a time those yards were getting four attack submarines and one *Trident* submarine a year. And now it will be two submarines to last over 7 years. But, Mr. President, if we are going to maintain this essential base, it is absolutely important that this amendment be rejected.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN addressed the Chair.

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

Mr. McCAIN. I yield 5 minutes to the Senator from Virginia [Mr. WARNER].

The PRESIDING OFFICER. The Senator from Virginia is recognized for 5 minutes.

Mr. WARNER. Mr. President, I join my distinguished colleague from Arizona, a fellow sailor from the U.S. Navy. I support his amendment.

I think he has shown great courage to come forth and advocate this position which in my judgment is clearly the correct position.

The word "pork" has been mentioned. I shall not use it because, as my good friend and colleague from Rhode Island, the former Secretary of the Navy, mentioned, there are times when we do look after our State's interests. In reality I may be speaking against my State's interests because shipyards in my State have fought tenaciously to be participants in this program. Should this amendment be defeated, allowing the *Seawolf* program to proceed to build three submarines, there is a strong possibility that firms in my State might benefit, for example the Newport News Shipbuilding & Dry Dock, by virtue of becoming subcontractors. So I speak against those contingent interests.

I also speak against my interests of long standing with the U.S. Navy. I know of no organization that has done more for this individual, more than my days with the Navy. Apart from fiscal considerations, the Navy would like this program to continue so that many new technologies can be tested under actual sea operations.

But I speak because this is the opening salvo on how we the Congress will construct this defense budget. Will we continue to follow the time-tested doctrine that there be a correlation, a direct correlation, between the threat, as best we can estimate it in the years to come, and those programs which we feel are in our interests and those of our allies to meet that threat? Or will we let the pork pressures addressed by Senator CHAFEE mold and shape, in some degree, the 1993 defense program. Maintaining our industrial base for submarines is in our national interest, but building three SSN-21 ships is not the only solution.

To prepare for my participation in this debate, Mr. President, I went back and examined the record before this Congress that once justified this program. I think it is fascinating because it clearly lends support to the position taken by the Senator from Arizona. It is here in black and white in the official records of the U.S. Senate.

Let me review for you some of the history of testimony received on this submarine program.

In March 1982, the Deputy Chief of Naval Operations for Surface Warfare, Admiral Walters, testified:

> It is imperative that we retain qualitative superiority in this critical area of naval warfare [attack submarines]. As the Soviets continue to construct new and increasingly sophisticated submarines, it becomes more difficult to maintain that qualitative edge. The Soviets are building fast, quiet, deep diving submarines. It will be a challenge to our technological competence to stay ahead of them in the future.

Watch that word "superiority," it appears time and time again. Watch that word.

In October 1983, Navy Secretary John Lehman wrote a letter to several committee chairmen, in which he stated:

> We can no longer be comfortable on the basis of technological superiority. Soviet submarines are becoming quieter at an alarming rate, much faster than previously predicted.* * *

The *Seawolf* is essential. Let me reinforce the fact that the principal basis for the *Seawolf* program was the threat from the Soviet Union. Defense Secretary Caspar Weinberger, in his annual report released in February 1984, stated:

> To meet the Soviet submarine threat of the 21st century, we have started designing a new attack submarine, the SSN-21. A key objective is to make improvements in sound quieting in order to preserve our acoustic advantage over a Soviet submarine force making major advances in quieting technology.

And in February 1985, Admiral Watkins, the Chief of Naval Operations, told the Congress:

> The new design submarine, SSN-21 * * * is absolutely essential to our continued qualitative superiority over the Soviets.

And testimony about the Soviet threat continued during the 1980's. In March 1987, the Director of Naval Nuclear Propulsion, Admiral McKee, testified:

> Today * * * we face an unprecedented challenge to our superiority from the Soviet Navy. We can successfully meet this challenge * * *. The SSN-21 Seawolf submarine * * * will be the foundation for far-term submarine superiority * * *. It will be highly superior to Soviet Submarines for the foreseeable future. If we are to maintain undersea superiority in the far-term, I see no alternative to Seawolf.

On that same date, the Deputy Chief of Naval Operations for Submarine Warfare, Admiral DeMars, stated:

> The Soviets know we have it [submarine superiority] and what it does for our country, and they want to wrest that away from us. That is why they are moving ahead so aggressively on so many different classes of submarines * * * They are learning with each one of their [new] submarines, and they are moving ahead, and they are continuing to close the gap. * * *

At that same hearing, the following exchange occurred between Senator EXON and Admiral DeMars:

> EXON. We continually hear about the situation that the Soviet Union is considered 9 or 11 feet tall, especially in the build-up along the line in NATO. But from my experience I would say, number one, and I want to know publicly if you agree, there is no window of vulnerability as far as our submarine force is concerned vis-a-vis the Soviet Union as of now.
>
> DEMARS. Yes, sir.
>
> EXON. I recognize there is a threat. Is that right?
>
> DEMARS. Yes, sir. We have a comfortable margin of superiority now. The concern is for the future.

Mr. President, that was the rationale for the *Seawolf* program. The Soviet Navy was advancing rapidly, and our country needed to plan for the future. We observed improvements in the Soviet submarine force; we had learned of the Walker spy ring, and how it motivated the Soviets to emphasize improvements in their own submarine capabilities. At that time, the *Seawolf* made sense.

But all that has changed. Our world has changed, and we must adjust. We should not engage in self-serving fantasy; instead, we should look at the truth squarely; and we should try to keep in mind the broadest possible perspective.

And that perspective means understanding that everything carries a cost. Resources are limited, and if we choose to do one thing, then we cannot do something else.

This *Seawolf* submarine program was based on meeting the threat. There were other presumptions as well. The other presumptions included:

An assumption of continued real growth in the Navy shipbuilding program;

An assumption that submarine funding would consume not more than about 25 percent of the total Navy shipbuilding program;

An assumption that the first five Seawolf submarines would cost not more than $1.5 billion—measured in fiscal year 1985 dollars—and that follow-on units would cost not more than $1 billion each.

Mr. President, we have enough submarines to meet our requirements. One *Seawolf* will be enough. Other priorities compete for limited defense budget resources, and the *Seawolf* is not a sufficiently high military priority.

Mr. President, I ask unanimous consent that two sets of documents be inserted into the RECORD. The first is a copy of a letter from Navy Secretary John Lehman, dated October 18, 1983, which describes the original rationale

for the *Seawolf* program. The second is a set of papers provided by the DOD Comptroller, dated May 2, 1992, regarding the cost of terminating and the cost of not terminating the *Seawolf* program.

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

DEPARTMENT OF THE NAVY,
Washington, DC, October 18, 1983.

Hon. JOSEPH P. ADDABBO,
Chairman, Subcommittee on Defense, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to put the need to start a new class of attack submarines in perspective.

In a shooting war at sea, attack submarines on both sides, with their covertness, mobility, endurance and fire power, will be a key factor in determining victory or defeat. The attack submarine is one of the most survivable offensive naval platforms. Relative invulnerability of submarines is well understood in the strategic world where the SSBN is recognized as the most secure leg of our triad.

The importance of attack submarines in naval warfare has not been lost on the Soviets. From a post WW II position of naval inferiority, they have built a formidable Navy around their submarine force. In the past 15 years they have developed 12 new classes of nuclear and diesel powered submarines compared to our two classes. Today, they have 286 attack submarines, 109 of which are nuclear powered. We have 91 nuclear attack submarines. This disparity is expected to continue in the future as their nuclear submarine shipbuilding capacity far exceeds ours.

While we have watched their force grow, we have enjoyed the security of knowing that our fewer submarines were more capable due to our advanced technology, particularly our acoustic advantage which is so essential to submarine survivability. We can no longer be comfortable on the basis of technological superiority. Soviet submarines are becoming quieter at an alarming rate, much faster than previously predicted. In addition, they have put to sea the fastest submarine and the deepest diving submarine, developed the cruise missile firing submarine concept, and effectively converted their SALT-excess strategic submarines to other missions, some of which are not yet fully understood.

The U.S. Navy last commissioned a new class of attack submarine in 1976 with essentially 1960's technology. Although they are excellent submarines, the 688 class was originally conceived as a battle group escort. Some degradation of multimission capability was accepted to enhance this mission. Steps have been taken to add capability is later ships of the class, but in the process available space and weight margins have been exhausted. To make the improvements in quieting, platform and combat system capability required to meet the Soviet submarine threat, a new class is necessary. The required improvements simply will not fit in a 688 hull.

Current and future cost constraints and the need for a balanced Navy are well recognized. The Navy is working hard to reduce cost and size—there is no gold plating. Of significance, most Soviet nuclear submarine classes are as large or larger than equivalent U.S. classes.

If we do not act now, we face the certainty of losing by inaction the submarine force superiority that we have for so long enjoyed. The loss of this edge will have the gravest consequences in deciding the outcome of any future war with the Soviets. The concept of air superiority has long been recognized as the SINE QUA NON of victory. That same principle must be applied to submarine warfare. Sustained operations of surface combatants, transports and even strategic submarines will be possible only for a Navy which can gain and hold undersea superiority. Our attack submarines will be among the first to fight, and they must be able to do so independently, anywhere in the world. These initial battles may well determine the outcome of the war.

Now is the time to start a new class of attack submarine. This is a critical issue of utmost importance to the defense of our country. I request your support on this vital issue.

I am also providing this information to the Chairman of the House of Representatives and Senate Committees on Armed Services and the Chairman of the Senate Subcommittee on Defense, Committee on Appropriations.

Sincerely,

JOHN LEHMAN,
Secretary of the Navy.

Q. If Congress approves the administration's rescission request for the SSN-22 and SSN-23, will sufficient funding remain to cover termination costs the government will be responsible for?

A. Yes. The following table displays the estimated amounts retained to cover sunk costs and termination costs.

[In billions of dollars]

	SSN-22	SSN-23
Appropriated end cost	2.0	2.0
Proposed rescission[1]	1.1	1.3
Estimated sunk/termination costs[2]	.9	.6
Remaining		

[1] Excludes $375M of FY 1992 advance procurement associated with SSN-24/25/26 hulls.

[2] Excludes $400M of prior year sunk costs associated with SSN-24/25 hulls.

The DoD estimate for termination was based on an assessment of program sunk cost and cancellation cost of ongoing procurements conducted shortly after the President's decision to terminate was announced. Because of the magnitude of the number of contractual actions associated with the SSN-21 program, and the contractual uncertainty due to the Navy's issuance of stop work orders in lieu of terminating contracts as soon as possible, this estimate is susceptible to change, however, as later and more complete information becomes available.

The Department is currently in the process of reviewing the large number of contracts involved and awaiting information from the various contractors required after issuance of the program stop work order on the SSN-22 and follow ships.

We will, however, continue to refine our estimates as we are able to collect and analyze information from the numerous contractors involved in the program. However, similar to other large scale major weapon system terminations, such as the A-12, it will be many months, perhaps years, before the final cost can be precisely determined.

Q. What are the estimates for termination costs for the SSN-22? What are the estimates for completing the SSN-22?

A. The Department's estimate for terminating the SSN-22, including all SSN-22 related sunk costs, is $900 million. Because of the magnitude of the number of contractual actions associated with the SSN-21 program, and the contractual uncertainty due to the Navy's issuance of stop work orders in lieu of terminating contracts as soon as possible, it must be understood that this estimate is susceptible to change as later and more complete information becomes available.

If the Congress restores the SSN-22 rescission at the original appropriated level, then funding is insufficient to complete the ship by approximately $200 to $300 million. The cost of completing the SSN-22 is higher than the amount originally appropriated due to the impact of program termination; i.e., delay and disruption from stop work orders, an increase in projected coverage on the shipbuilding contract shareline (Government and EB share costs above contract target 80% government and 20% EB) and additional funding necessary for detail design efforts.

Q. If Congress disapproves the administration's rescission request, is there sufficient funding available to complete the three ship program?

A. This question must be addressed in terms of the SSN-21 lead ship and the SSN-22 and SSN-23 follow ships.

In terms of the lead ship, it is very likely there will be an increase in the estimated cost to complete. This ship was appropriated in FY 1989 and awarded under a fixed price shipbuilding contract, with a cost sharing (80/20-Govt/contractor radio) incentive for costs between the contract target and contract ceiling. The budget currently does not include any funding to cover government liability if shipbuilding costs exceed the contract target.

It is possible that the SSN-21 lead ship contract will go to ceiling due to a variety of reasons, foremost of which would be a projected increase in overhead at the Electric Boat shipyard due to a decline in future workload. If the estimate to complete this contract does go to ceiling, then the government would incur an estimated liability of approximately $350 million. The status of this contract will be reviewed during the annual Ship Cost Adjustment (SCA) review and any increased funding requirements will be addressed in the next update of the President's budget.

Similarly, if the Congress restores the SSN-22 and SSN-23 rescissions at the original appropriated levels, then funding is insufficient to complete these ships by approximately $200 to $500 million. The SSN-22 is estimated to increase by $200-$300 million and the SSN-23 is estimated to increase by anywhere from zero to $200 million. As indicated earlier, the cost of these ships will likely increase due to the uncertainty resulting from the impact of program termination; i.e. delay and disruption from stop work orders, an increase in projected coverage on the shipbuilding contract shareline (for the SSN-22 only) and additional funding necessary for detail design efforts for the SSN-22 and SSN-23.

Q. What is the marginal cost associated with proceeding with the SSN-22?

A. As indicated earlier, the appropriated amount for the SSN-22 is $2.0 billion. If the rescission proposal is disapproved the cost to complete this ship is estimated to be $2.3 billion:

[In billions of dollars]	SSN-22
	SSN-22
Appropriated end cost	2.0
Proposed rescission	1.1
Estimated sunk/termination costs	.9
Current estimate to complete	2.3

In effect, the marginal cost of completing the SSN-22 involves a decision on whether or

not to spend an additional $1.4 billion over what the government will incur for sunk and termination costs to terminate the contract for this ship. It must be understood that the sunk and termination costs associated with the SSN-23 ($.6B) and follow ships ($.48) will be incurred regardless of whether the SSN-22 is completed or not.

Q. Electric Boat (EB) contends that the cost of the rescission will equate to the cost of building the SSN-22 and SSN-23 and may in the final analysis result in additional federal expenditures beyond the cost of building these two ships. Explain why rescinding these funds will minimize federal expenditures and makes economic sense in light of a reduced threat environment.

A. EB's estimate of Seawolf termination cost includes "unobservable costs" which EB has designated as "Pay as You Go" costs. They define these costs to include liabilities for retiree medical benefits, worker's compensation expenses and environmental costs. Below is a comparison of DoD's and EB's estimates for Seawolf termination costs:

	DOD	Electric Boat
Estimated sunk/termination	1.5	1.5
Unobservable		
"Pay as you go" costs		1.5
Externality costs		1.0
Total	1.5	4.0

Estimated termination: DoD's estimate is included in the $1.5B of sunk/termination costs for the SSN-22/23. Detail of EB estimate is unknown.

Unobservable costs: EB contends that these costs are charged to shipbuilding contracts on a "Pay As You Go" basis and that if the government curtails its ship construction program at the yard, other arrangements would have to be made to pay these bills when they come due and "there are no shipbuilding contracts to absorb them." EB also considers that these costs would include the undepreciated cost of facilities constructed specifically to construct new submarines.

Externality costs. EB also believes that there will be non-beneficial externality costs associated with termination of the Seawolf that the government would incur. EB contends that the costs to the local, state and federal governments in lost taxes and increased transfer payments and medical cost add over $1 billion to the cancellation cost of terminating the Seawolf program.

EB's assumptions ignore the fact that it's current backlog of shipbuilding work will continue through the late 1990s and what is referred to as "Pay as You Go" costs will have to be absorbed within existing contracts. EB's assessment appears to be a worst case scenario that envisions the yard closing when Trident and SSN-688 work is completed. Since the Department is planning to initiate construction of a new lower cost submarine in FY 1998, such costs could continue to be absorbed by future contracts. However, since these costs will have to be paid regardless of whether the SSN-22 and SSN-23 are completed there is no basis for including these costs in any assessment of Seawolf termination costs.

Mr. WARNER. Mr. President, these papers from the DOD Comptroller explain that buying two more Seawolf submarines will cost at least $2.8 billion, which is the amount of the rescission. Moreover, our cost exposure—in excess of the rescission—on the Seawolf Program is an additional $500 million. That is a great deal of money.

The original military requirement for these submarines no longer exists. The Soviet threat no longer justifies this program. And we should not spend in excess of $2.8 billion on this program for which there is no military justification.

I say to my colleagues, the future of the Navy of the Russian Federation is most uncertain. And in the aftermath of the events we witnessed this week, the future of our own country has a measure of uncertainty. I as one individual, never anticipated, never imagined that such events, such lawlessness as we witnessed in California could take place in America. That bill, the bill to help deter similar problems in other cities, will come due soon. Some will look to the shrinking defense budget as the banker for these dollars, too.

Therefore, we had better continue to direct every single dollar of defense funding to those programs that are absolutely connected, linked, to the threat as we perceive it today, while recognizing that the future threat can never be accurately predicted.

This floor will reverberate in a matter of weeks with the debate on the package to aid the various Independent States of the former Soviet Union. I ask, how can we aid with one hand, and with the other hand build weapons systems which the very States we are aiding may perceive as a threat? Is this consistent policy? This program could well induce the C.I.S. to continue defense modernization programs they might otherwise abandon in view of their pressing domestic needs.

All signs today point to a steadily decreasing naval ship building program in the Russian Federation, based on a dramatic decrease in the need for naval power to protect Russia's security interests. Thus, there is a corresponding reduction in the threat posed by the former Soviet Navy to the United States and our allies.

We must be able to face the American people, and justify every single American dollar spent on this and other defense programs that are designed to respond to the threat as we perceive it now and as we are able to predict it in the future. And that threat in my judgment has substantially changed, changed to the extent where I will be among those supporting the package of assistance to the former Soviet republics.

Mr. President, the threat no longer exists to justify the Seawolf Program. I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. I yield to the Senator from Connecticut, Mr. DODD, 6 minutes.

Mr. DODD. Mr. President, let me commend our distinguished colleague from Hawaii, Senator INOUYE; and the distinguished chairman of the full committee, Senator BYRD, for managing this difficult package and bringing it forward.

I rise to strongly oppose the amendment offered by the Senator from Arizona and I do so with all due respect.

Let me begin by addressing the last comment made by my colleague from Virginia, and ask unanimous consent, Mr. President, that a story appearing in last Friday's Wall Street Journal be included in the RECORD. I read from it.

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

Latvia complains to the U.N. that Russian submarines being equipped at one of its seaports are destined for sale to Libya and Iran. The activity at the Russian-run "177th Ship Reconstruction Factory" in Boldaraja, a Baltic seaport, had been a mystery since 1988.

Mr. DODD. Latvia complains to the United Nations that Russian submarines being equipped at one of its seaports are destined for sale to Libya and Iran.

It is May 1, 1992.

I do not know what world other people are living in, but to assume somehow because the Soviet Union no longer exists as we know it, that there is no longer a threat posed to the United States interests anywhere in the world, is not borne out by the facts.

I add further, Mr. President, for the edification of some of our colleagues who have indicated that there is no longer a threat, that 41 countries, not including the former Soviet Union and the United States, possess a fleet of some 400 submarines; and 19 countries have built or are in the process of co-building, foreign submarine fleets.

The fifth largest submarine fleet in the world is in North Korea. The People's Republic of China has almost 100 in its arsenal. I suggest to those who imply somehow that we no longer face any kind of threat around the globe that they merely look at what is out there. Here we had, just last week, a report that our now new ally who we are preparing to authorize 13 billion dollars' worth of assistance to is still manufacturing submarines and selling or giving them to people who have us on their declared enemies list.

So I suggest that those who offer the argument that this is no longer needed technology, they ought to take a closer and better look at what in fact is occurring around the world as we speak here today.

The Senator from Hawaii has made the case. These are not his numbers. These are not my numbers. These are not the numbers of the distinguished Senator from West Virginia. These are the numbers from the Pentagon, Mr. President.

The termination costs of this program exceed the cost of completing this program. In January, in testimony

before the Budget Committee, the Secretary of Defense stood and stated the termination costs of the two Seawolf programs would be $443 million. That was in January. Through a series of escalations over the last 4 months, concluding in statistics they offered us a few days ago, the number is now $1.9 billion to terminate this program, not including the industrial base loss which the Navy tells us they will report to us in June or July.

Does anybody in this Chamber believe for a single second that number is going to be lower than the $1.9 billion already invested in this program? So for those who argue that there is a cost savings for the taxpayers, that is just not the case, not based on the numbers that we are proposing to our colleagues, but the numbers being offered by the Pentagon, and their assessment.

If in fact there were the savings that they argue, Mr. President, then we would be in a most awkward position to ask our colleagues to support increased spending in a program at a time when we are watching the downsizing in defense dollars.

Third and it has been stated by the distinguished Senator from Rhode Island, and maybe others are unaware—10 years ago, there were six yards in this country that had the capacity of building a submarine technology for this Nation. Today, in all candor, there is one. There is one left that has the capacity and technology to design and build a modern nuclear submarine fleet.

Newport News in Virginia has contributed over the years, but primarily, they have been a surface ship contractor. The fact of the matter is that Electric Boat is a private company. The doors will not remain open. If you cannot make a case over the economic viability of that facility—it is not a Government yard, Mr. President, where you might sustain it for 6 or 7 years in hopes there might be future work. There is either an economic justification for this facility or not. If you terminate this program at one and not complete the second and third boats, then, as the Senator from Hawaii pointed out, the argument is that those doors ought to be shut and the result of that decision, Mr. President, is that this country will have lost its only contractor left with the capacity to provide the technology to deal, if you will, with the 400 submarines plowing the ocean floors and the 19 other nations that are in the business of contracting, exporting, and selling these submarines to some of our most intractable enemies.

Mr. President, this is more than a Connecticut or Rhode Island issue. I would never make the case to my colleagues that you want to save this particular program and complete it and the second and third boats if jobs were the only argument. I have to face that problem. My colleague, Senator LIEBERMAN, has to face that, and Senator CHAFEE has to face that problem. But I cannot ask the Senator from West Virginia or the Senator from Hawaii or others to support this program because I may lose some workers. That is not my argument.

My argument here is that this technology is critically important to this country. It is critically important to this country. It is critically important to the mix of our national defense. It is critically important to maintaining the industrial base and the collected wisdom and talent of the designers and engineers and people who have built this remarkable piece of technology that has contributed to our national security.

Mr. President, I urge our colleagues, with all due respect, to reject the amendment of the Senator from Arizona.

I yield the floor.

Mr. BYRD. How much time remains, Mr. President?

The PRESIDING OFFICER. The chairman has 6 minutes and 28 seconds. The sponsor has 2 minutes.

Mr. BYRD. I thank the Chair.

Mr. HATFIELD. I will yield 5 minutes off of the bill to the Senator from Arizona.

The PRESIDING OFFICER. The Senator has that right.

Mr. BYRD. Mr. President, I yield 6 minutes to the distinguished Senator from Connecticut [Mr. LIEBERMAN].

Mr. LIEBERMAN. Mr. President, I thank the distinguished chairman of the Appropriations Committee.

Mr. President, in the rush to cut the defense budget, there is a danger that serious, even irreparable errors, will be made. Destroying major elements of our defense industrial base is one of those errors.

No one disputes that the Seawolf program is coming to an end, but what we are voting on here is not just the future of the Seawolf but rather the future of the entire submarine industrial base. For if we do not build the second and third Seawolfs—the very last submarines in the Seawolf program—before terminating the entire program, we will be forced to shut down Electric Boat by the middle of the decade. And that would be a grave mistake to close America's No. 1 submarine construction facility. Admiral Bruce DeMars, the director of Naval Nuclear Propulsion, has put it very succinctly in his report of the future of the submarine nuclear industrial capability: "Electric Boat provides engineering, planning, and logistical support for all classes (of submarines). By virtue of vast experience and innovation, the yard is, without question, the world's premier resource for submarine design and construction technology."

I realize that all defense industrial sectors are facing serious challenges today, but submarines are different. Defense production in the aerospace, electronics, and ground vehicle industries have alternative production possibilities in the civilian sectors. These alternatives are not easy, but they are feasible, and can sustain these defense industrial sectors. In contrast, submarine manufacturers can either produce submarines—sometimes at minimal levels—or go out of work definitively. That is why the United States has built submarines every year since before World War II. To preserve the industrial base, we have to build even if the construction rate is at a minimal level.

To grasp the true threat to Electric Boat if the second and third Seawolfs are not built, we have to compare production in the 1980's to production in the 1990's. During the 1980's, we authorized funding for three to five submarines a year. During the 1990's, we have only authorized two submarines, the second—fiscal year 1991—and the third—fiscal year 1992—Seawolfs. We may authorize funding for production of the Centurion, a smaller, cheaper submarine, but that will not occur until fiscal year 1998 at the earliest. So the submarine construction rate will be at the lowest level since the beginning of World War II, even if we build the second and third Seawolfs.

There are those who suggest that support for the second and third Seawolfs is a status quo ante stance, which does not recognize that the cold war is over. But even if we fund the second and third Seawolfs, Electric Boat will reduce its work force from 22,000 to 8,500 over the next 5 years. Electric Boat can go down to that level to survive but it cannot go further. Once its work force dips below this critical mass of employees, too many skilled workers and engineers will have left to seek work in more stable sectors of the economy. Skilled personnel and engineers will not stay at a facility whose entire future depends on the fate of a new submarine, which may or may not be funded toward the end of the decade.

Not only the existence of the Electric Boat facility is at stake. A gap in submarine construction would place enormous pressure on the 5,000 second- and third-tier contractors that fabricate vital components for our submarine fleet. These firms, which are located in 36 States, are small and specialized, and would not be able to survive a suspension of new orders. Their disappearance would either bring all submarine construction to a halt or force the Government to seek foreign suppliers—an unacceptable and impractical option for such a militarily sensitive technology.

A long halt in submarine production would have a particularly devastating impact on the nuclear power suppliers network. Whereas in the past this net-

work could depend on a viable commercial nuclear power industry for alternative employment, today the Navy has become our sole purchaser of nuclear fuel materials. Without some minimal level of construction, this sector could disappear entirely. As Adm. Bruce DeMars said in his industrial base report: "the sudden cancellation of Seawolf orders, together with an apparent hiatus in submarine construction, has dealt the nuclear-powered submarine industrial base a potentially fatal blow."

Admiral DeMars has also spoken cogently on the overall fragility of the entire industrial base in his industrial base report: "A hiatus in the submarine construction program would make it virtually impossible to design or build Centurion." Skilled labor and sub-contractors would fade away.

Nor do we have the option of shutting down Electric Boat in the belief that it can easily be re-opened in the future. Once Electric Boat is forced to shut down, it will be very difficult to bring it back to life. Modern weapons are complex systems that depend on a large network of suppliers. Once an industrial complex of Electric Boat's dimensions closes, it can only be resuscitated at enormous cost. It makes much more sense to keep it going at a low level of production rather than trying to bring it back to life after it has died. No one—not the Navy, not, I believe, the Seawolf's opponents in this chamber—disputes the fact.

FINANCIAL FACTORS

There is also an important financial aspect to this debate, which Senator INOUYE described in his excellent speech last Thursday on the Senate floor. Contracts have been signed for the second and third Seawolfs and purchases have been made from venders. It has been difficult to obtain estimates of these contracts, but they are clearly substantial. The Department of Defense initially estimated that it would cost $450 million to terminate boats two and three. The estimate subsequently rose to $900 million. Then, on March 31, Assistant Secretary of the Navy for Acquisition, Gerald Cann, said before the House Armed Services Committee that it would cost $1.9 billion to terminate the program. But on the following day, before the Senate Armed Services Committee, Secretary Cann acknowledged that these costs could be higher.

Senator INOUYE has pointed out the folly in trying to save money from terminating the second and third Seawolfs. As mentioned previously, the Navy has acknowledged that it would cost at least $1.9 billion to terminate these boats. Moreover, according to Senator INOUYE, it would cost between $500 million and $1.5 billion in shutdown costs to close Electric Boat.

Senator INOUYE has read the Navy documents which show that "little or nothing will be saved in equipment contracts." Savings from the termination of the fire control system, for example, could be "negligible due to anticipated costs impact of remaining R7D efforts. In other words, we could terminate the ships and have a lot of parts lying around, but we would not save money."

In light of these cancellations, sunk, and close-down costs, a more reasonable financial approach would be to build the second and third Seawolfs and then terminate the program. The original program has been planned for 29 boats so we will be saving an estimated $15 billion in defense cuts after even if we do finish the second and third boats. Finishing the second and third boats preserves the submarine defense industrial base and makes significant financial savings.

THE CONTINUED THREAT

Any debate about the Seawolf and the submarine defense industrial base must ultimately depend not on jobs and finances, but on national security. Despite the end of the cold war, the submarine defense industrial base is still a vital element for our national security. While proliferation concerns in our country have focused on weapons of mass destruction, the defusion of submarines and submarine technology also constitutes a major challenge to our future security. Russia already has sold submarines to India, Algeria, Libya, and Syria, including the advance Kilo class, and is currently negotiating for the sale of five minisubmarines to Iran. Tehran could use the submarines to attempt to control access to the Persian Gulf.

West European countries, particularly Germany, have been exporting submarines to the Third World, and some Third World countries, including North Korea, have begun to manufacture their own submarines, which will eventually be exported.

Overall, more then 20 Third World countries have submarines that are greater than minisub size. The nonnuclear submarine, be it Soviet, Western, or Third World, is becoming the poor nation's answer to surface naval power because of these technological advances.

The implications of these developments are significant. In the Gulf War, more than 85 percent of America's military equipment and supplies were sent by sea. Even a handful of enemy submarines would have required a diversion of significant naval forces. That was the case during the Falklands war, when only one or two British submarines were able to bottle up the Argentinian surface fleet. These problems would be exacerbated in the crowded Persian Gulf because sonar frequencies easily bounce off the shallow bottom. In short, while the cold war has ended, there are still many dangers abroad, as the gulf war reminded us, and we need the silver bullet the three Seawolfs will give us to respond to these dangers.

I would like to conclude my remarks by reiterating some of the main points made by Senator INOUYE in his excellent speech last Thursday. First, because of the binding contracts that have been entered into for the second and third Seawolfs and plant shutdown costs, rescinding the funds will not necessarily save money. Second, rescinding the submarines would force closing "the world's premier resource for submarine design and construction technology," to repeat the words of Admiral DeMars.

Third, we would have to spend an inordinate amount of money to reconstitute Electric Boat at some point in the future. And finally, the military stakes are high because submarines still play a vital role in our Nation's national security. With the end of the cold war, we are entering a different world, but not necessarily, a safer one. A functioning submarine industrial base increases the chances that this new and different world will be a safer one, as well.

Mr. President, I want to thank my colleagues, the Senator from West Virginia and the Senator from Hawaii for their leadership on this issue. I congratulate them on the force of their argument, as I do my colleague from Rhode Island and my colleague and partner from Connecticut, the senior Senator, Mr. DODD.

Let me just try to summarize some of the key points here and add a point, if I may, here and there. The first point is financial. Let us just summarize what has been said. In the first place, the rescission package brought forth by the Appropriations Committee actually saves the taxpayers more money than the President's rescission package. Second, evidence has been submitted here that I find to be incontrovertible, that there is little or no money saved by canceling the second and third Seawolfs. It makes no sense at all economically.

Third, let me add this point: Seawolf is a sophisticated, modern piece of equipment. In fact, there is reason to believe that as years go by and some of the older submarines are retired, if we can replace them with three Seawolfs, it will cost less to operate Seawolfs on an annual basis than the older class of submarines. That is most important because the submarines today require, once in their 30-year life plan, a major nuclear refueling which costs approximately one quarter of a billion dollars. The Seawolf, this incredibly able, sophisticated piece of equipment, can probably run for that 30 years without refueling and will not cost a quarter of a billion dollars.

The second argument is about the defense industrial base. Obviously, as my colleague from Connecticut said, and

my friend from Rhode Island, we care about those thousands of workers in Connecticut and Rhode Island who are going to lose their jobs. That is part of our responsibility here. But the defense industrial base is at the heart of what it means to protect America's security.

But I want to stress that the defense industrial base goes well beyond Electric Boat in Groton, CT, and Quonset Point, RI. There are 5,000 subcontractors who do work on the Seawolf submarine that exist in 36 States of this United States of America. They are hardworking small businesses, sophisticated—and let me tell you, Mr. President, they are going to have a very hard time surviving cuts in this program. They just do not have the strength to do it. We need to keep them alive for our security and for our economy.

Finally, the national security argument that has been made by some colleagues. Let me stress that we are a maritime nation. It is critical to our security, as well as to our commerce, to protect the safety of our ships on the seas.

Let us go back and remember that the second and third Seawolfs can be had at little or no incremental cost. What we get for it will be the finest submarine in the world that will last for 30 years and protect the security of the sea lanes and protect the American ships. In the case of the gulf war, more than 85 percent of our military materiel and equipment was brought to the Persian Gulf by sea. Imagine if we did not control the waters around the ships as they went to the gulf what difficulty they would have had.

Mr. President, right now we have approximately 85 submarines under water protecting our security. We know that number is going to go down. Admiral Kelso, the Chief of Naval Operations, said recently it could probably go down to the range of 50. Of those 50, in the 30 years ahead in which Seawolf will be alive and well, will it not be in our national security interest to have the silver bullet that those three Seawolfs will represent, stealthy, powerful, fast, carrying twice the number of cruise missiles than the 688, the earlier category of attack submarine, carries?

Mention was made earlier about the ability of the B-2 to arrive unseen by radar to hit a target. Mr. President, it is instructive to contemplate the feasibility of the Seawolf in the attack carried out against Libya in 1986 from the air. Today, we could bring a Seawolf submarine off the shore of Libya, invulnerable to enemy attack, risking no lives, firing cruise missiles which, as we saw in the Persian Gulf war, have a remarkable ability to hit a target right head on.

Three Seawolfs out of 50 submarines, in the next 30 years. Can any of us say that we will not need that sophisticated defense out there to protect America's national security? When we talk about the 30 years, we are talking not just about ourselves but our children. Mr. President, we won the cold war, and thank God for that. We were victorious. And one of the things which that enabled us to do is cut our defense spending. Let us not do it precipitously. Let us remember the echoes of history from the thirties when defense was forgotten and people thought they could disarm. We have an opportunity here, at little or no incremental cost, to protect the security of our country on into the next century. It is worth the small price. It is in our national interest. I ask my colleagues to defeat this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, who controls time on this side on the bill?

The PRESIDING OFFICER. The Senator from Arizona controls the time.

Mr. BYRD. The Senator from Oregon controls the time on the bill.

Mr. STEVENS. Mr. President, I would like to yield myself, with the consent of the manager here on our side, up to 30 minutes. I do not think I will use that time. I would like to speak at length on this matter.

The PRESIDING OFFICER. The Senator from Alaska may proceed.

Mr. STEVENS. Mr. President, I sadly rise here on the floor to oppose the rescission package and to oppose in particular the treatment of the Seawolf in this bill. I think the Senate realizes how long I have served with my two good friends, my friends from West Virginia and from Hawaii, as well as the ranking Republican member on our side. And I do not recall opposing in total a measure reported by the Appropriations Committee in my service in the Senate. But I must do so this time.

It is because of my great respect for my colleagues I work with on defense matters that I want to speak at length to explain my reasons for opposing this bill, the series of bills. The President sent these rescission bills to the Congress. I am particularly concerned with those rescissions that reflect the changes in national military strategy as the President articulated in his State of the Union Message in January. These new defense concepts, developed by Gen. Colin Powell, the Chairman of the Joint Chiefs of Staff, working with Secretary of Defense Dick Cheney, turns our defense posture away from the focus on Europe, to address our global defense commitments and needs. That is a massive change, Mr. President.

Not only did those gentlemen recommend a change in our policy, but they proposed a further cut of $50 billion from the level of defense spending adopted in the 1990 budget summit agreement. Based upon those changes under the 1990 agreement, the President had already proposed to strip $170 billion from our defense budgets. This means a total now of $220 billion will be eliminated from the defense budgets through 1997.

Responding to the bold, new directions that were outlined by the President, the Congress repeatedly rejected efforts to cut defense spending further or to shift savings from defense cuts to other domestic programs. I think, unfortunately, that what we are doing today is a part of that process that I have opposed in the past. The rescission bills forwarded by the President took us to task for some of the items that we submitted. I had supported them, along with other Members of the Congress. They were items that were not requested in the Department of Defense appropriations bill for 1992.

To the great credit of our chairman, Senator BYRD, this bill accepts many of the President's proposals, totaling about 25 percent, really, of the total package submitted by the President. One key item, however—and that is the Seawolf—has been changed so much that it completely diverges from the President's intentions, and now the committee proposal would cut into the strategic defense initiative and the B-2 Program.

Again, to the credit of the chairman and ranking member of the committee, they made a commitment to report rescission bills that corresponded to the level of budget authority proposed by the President, and that is reflected by the bills before us. But the decision to sustain the two Seawolf submarines proposed for rescission by the President, the SSN-22 and SSN-23, means that the committee faced a $2.3 billion funding gap in the bills before us. That gap was plugged with a $1.3 billion cut in the strategic defense initiative and elimination of the one B-2 aircraft approved for production in 1992.

Now, before I really talk about those cuts, though, I would like to further explain my position on the Seawolf. Mr. President, last year, our subcommittee reported to the full committee a bill that had deleted the Seawolf. They were totally deleted. I supported that bill in the subcommittee, and we planned to construct the SSN-688 class submarine instead of the Seawolf class. The difficulty was that when we got to the full committee, that decision was reversed.

Our Defense Subcommittee recommended the elimination of the Seawolf. In my judgment, what caught up with the Seawolf was the demise of the perceived threat that the Navy had to meet, and a significant investment had been made to fund a program to create the Seawolf.

There is considerable controversy that still exists and uncertainties that still exist about the threats we may face in the future and the technologies that our adversaries may be developing. But one thing appears clear to this

Senator, and that is that the threat that the Seawolf was designed to meet, the follow-on submarines to the *Akula* class of the Soviet Union, has diminished sufficiently so that we can safely cancel this program. It was canceled. The request was made by the Department of Defense and approved by the President that that class of submarine be canceled.

That, as I said, the Defense Subcommittee proposed last year.

Unfortunately, the approach of the Navy was sustained by the full committee. And then on the floor we did not pursue our initiative to terminate the production of the Seawolf and build instead the improved 688-class submarines, really a much lower-cost alternative. But within 75 days after the decision of the subcommittee was reversed, the Department of Defense itself terminated the Seawolf program, and I think that is the important thing here to note. While I am not given to rehashing past decisions, I do believe that had we stuck with the plan we started last year, we would not be here today. It was a basic decision made on economic and justifiable intelligence facts, and that is that there is no longer a threat that needs the production of the Seawolf.

I applaud my friends from Rhode Island and Connecticut, who are trying to preserve the industrial base in their communities. I think the decision we offered from the Subcommittee on Defense last year would have done more for their communities than this fight does now because it would have preserved a new and improved 688-class of submarines, and would have given us a transition program into the next century, so we could devise the submarine fleet as we will need it to meet the threat that survives, if there is one that survives after the dust settles down from the disillusion and destruction of the Soviet Union.

I do not agree with the comments that were just made—and I heard part of them concerning the estimates that have been produced by the shipyard, the Electric Boat Co., that the cost to complete the SSN-22 and -23 will be little more than the cost to terminate the program. I do not think that is the answer at all. After we finish the third one, we will be right back where we are, again with costs to terminate the program—and some will say, "Look, if you build number 24 and 25 and 26, guess what, the 6 of them will cost less than the first 3." Now we are saying these three will cost less than the first one. But you still keep putting billions and billions of dollars into a program that is not needed in the defense of this country. And since we are borrowing that money, Mr. President, it makes little sense to me to proceed and go against the recommendation of the Commander in Chief, the Secretary of Defense, the chairman of the Joint Chiefs, the Department of Defense as a whole, and say, "Notwithstanding all of you people, we are going to build the *Seawolf* class of submarines anyway."

Now, I simply do not believe that we are taking the right course to do that. I believe that we are not only incurring a substantial increased cost in these submarines, but we are going to increase the operating and maintenance cost of the submarine fleet with these new super submarines, super stealthy submarines that will eventually end up in reducing the numbers of submarines we have in the future.

To me these three submarines are like three gigantic icebergs. We are just looking at the tips of them. The cost over a period of years is the part we do not see that is beneath the water. Surely the size of that cost is going to destroy the Navy's submarine program if we let this happen.

I stood on this floor once before and objected, I objected to refloating the battleships. One of these days I am going to present to the Senate a report on the battleships. My colleagues will remember I fought the battleships. I was then chairman of the subcommittee and I opposed my own bill because the forces in the Senate wanted to refloat the battleships. There were four of them. We modernized those battleships. They cost us billions of dollars. They have not added to the Navy's capability to defend this country at all.

They were paraded around the world. They are a very symbolic thing to parade around the world. I visited a couple of them. I must say they are immense and enormous and magnificent pieces of equipment. But they cost the taxpayers a lot of money. And now we are parking all four of them, we are putting them back into mothballs.

They do not contribute to our defense at all. That is the way I see these three stealthy submarines. Who in the world is going to know we even have them? It is like a friend of mine used to tell me—I am not sure we ever sent people to the moon because how can you prove they were there.

How can we prove that these submarines are any addition to our defense? I cannot believe that we are going to put this kind of money into systems that the Department of Defense does not want.

I am particularly disturbed by the decision to go beyond that and to take the money from the B-2 bomber and the SDI. God knows the B-2 bomber has enough problems of its own. But it is the best bomber in the world today and it is operating efficiently and there is no threat that can meet it today in the world. It is a capable part of our defense system.

This series of bills now proposed to cut the bomber that we had authorized for 1992 as well as cut 31 percent of the total SDI program for 1992. That rescission will eliminate well over 50 percent of the remaining unobligated SDI funds for this year. Now if we had told the SDI managers at the beginning of the year that they would have only $2.8 billion to continue the research on that necessary system—and we are going into the system, as the Chair knows, which will provide us a "Patriot" type of defense for the United States itself—if we had really told them to do that, they could have lived within those constraints. It makes no sense for us now to come forward and undo the work we did last year with regard to our defense bill.

The cut in SDI and the B-2 bomber in order to sustain the Seawolf is really shooting ourselves in both feet at the same time. I cannot understand it. I really think it makes no sense militarily, it makes no sense fiscally, it makes no sense politically.

Each Seawolf costs 2½ times the price of a B-2 bomber, and it cannot perform the function of the B-2 bomber. It cannot be used for deterrence. It can only be used for offense. Now, what are we doing changing the system and putting into imbalance the deterrent system we have to prevent war and instead creating systems that are only capable of offensive action in war. We are trading perhaps the most versatile aircraft we have ever produced for a system that does very little more than existing submarines, and cannot be used in deterrence. There is no way in my mind that the Seawolf is part of a deterrent concept.

Now the President really, I think, canceled the Seawolf because, as I said, on intelligence and mission requirements.

I ask the proponents of the Seawolf, what will the Navy do with three submarines of this class? What can they possibly do with just three? It is a whole different function. It is going to require a networking to take care of three. We originally proposed 28. When you look at it, what are they going to do with three? What mission will they fulfill that cannot be done by existing submarines? What specific threats against this country requires the extraordinary investment in three new stealth submarines and the elimination of one Stealth bomber?

The bomber can go anywhere in the world. It can perform the function that the F-117 did during the Persian Gulf war. The F-117 was placed out there on the runways in Saudi Arabia. The world saw it on CNN. Everyone knew it was there. You can parade a bomber. You cannot parade a stealth submarine, but you can parade a Stealth bomber. And everybody will know they better look at their hole card if they see it out there in their area defending the United States. It is capable of versatility beyond anything a Seawolf can dream of.

The continued production of the second and third Seawolf subs, I think,

will do nothing for the industrial base. I think the proponents will admit that two-thirds of the people employed by the Connecticut shipyard will be laid off without regard to our buying these three expensive submarines.

I have argued in support of industrial base issues for the country. I do believe we should maintain one for submarines. We could have done it with an SSN-688 program, but the Senate and the Congress decided not to do that.

But I ask my colleagues, where do we go from here if we provide three Seawolf submarines? The answer is to build more. We will have no alternative but to build more, because that will become the replacement class and we will not go into the next century with the capability of producing a submarine to meet threats that might develop in that time. I think we have the capability in the existing fleet of submarines to meet any known or perceived threat to this country, from a defense point of view.

Certainly, the new national military strategy established by the Department of Defense and reviewed by all concerned would confirm that.

Beyond that, I want to say very personally I trust this Chairman of the Joint Chiefs of Staff, Colin Powell. I trust Dick Cheney to have reviewed each of these things individually and made the tough decisions. I am troubled by the fact that, they having made these very difficult decisions, the Senate now is going to turn them around.

We are the ones who told them to spend less on defense and they agreed to do that. We are the ones who urged them to reduce the B-2 fleet. They have done that. We made deep cuts in SDI spending. They have complied with that. We are the ones who told them to cancel various programs, Navy programs, and they have done that. We have reduced some of the production lines to almost an inefficient rate of production. They have reduced the defense budget as much as can be done, based on certain conditions that exist in the world. They have answered all our calls. They have come and explained to us their program.

I can tell you, if I were the Senator from Rhode Island, there is no question I would be voting for the Seawolf. I can understand a person supporting his State's industrial base. I cannot understand the Senate as a whole deciding to pursue a new system like this. We do not need it. We cannot afford it. There is no justification for it. And it has been recommended to us by all the military leaders in this Nation that we not build any more.

I cannot state any more clearly my position. I hope I have not left anyone confused about my position on the Seawolf. I oppose the Seawolf. It is an unnecessary addition to the defense structure that I have tried to support, now, for almost a quarter of a century.

I urge the Senate to reconsider the concept here, that we must strip SDI, we must cancel the B-2 bomber, in order to proceed now with submarines we do not need, we cannot afford, and should never have proceeded with last year.

The PRESIDING OFFICER (Mr. GRAHAM). Who yields time? The Senator from Rhode Island?

Mr. PELL. Mr. President, may I have 6 minutes?

The PRESIDING OFFICER. The Senator from Hawaii?

Mr. INOUYE. Parliamentary inquiry. Am I authorized to yield time?

The PRESIDING OFFICER. The Senator is the presumed designee of the manager, as senior Member.

Mr. INOUYE. I am pleased to yield 30 seconds from the amendment and 5½ minutes from the bill.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I rise in opposition to the McCain amendment and in support of the rescission bill as reported by the Appropriations Committee, particularly with respect to the hard choices that were made in the area of defense spending.

The important point to recognize is that the committee bill would rescind more in defense spending than the President has proposed—$7.2 billion by the committee as opposed to $7.14 billion proposed by the President.

To reach this figure, the committee, I believe, has chosen wisely to make judicious rescissions in both the SDI and the B-2 programs. In SDI, the committee preserves emphasis on ground-based, theater missile defenses but would delete funding for space-based systems that do not have immediate priority. And the B-2 cut would touch only fiscal year 1992 funding for one bomber that has not yet been certified to standards set by Congress.

The Seawolf submarine, by contrast, is a weapons program that already has withstood many tests and already has been pared down to an irreducible minimum. The original plan for a fleet of 29 Seawolf submarines was reduced to 3—a decision which I might note has been accepted without question by all concerned. Congress in its wisdom has authorized and provided appropriations for all three vessels, and the President in his wisdom has signed those actions into law.

Moreover, with the first Seawolf nearing completion, the second ship has already been contracted for, after a protracted court challenge of the contract award. And substantial advance procurement has already gone forward for this boat and for the third Seawolf, particularly for long lead items such as the nuclear propulsion components.

All in all, it would cost between $2 and $3 billion to cancel these two boats, for which the public would receive nothing in return. So the rescissions proposed by the President simply do not make sense as I see it. And I am advised that even with retention of the second and third Seawolfs, 95 percent of the economies proposed by the President would still be realized.

There is another aspect to the problem which has received much deserved attention and that is the preservation of the unique industrial base assembled by Electric Boat Co. in Rhode Island and Connecticut. The skilled high-tech work force and the one-of-a-kind production facility at Quonset Point are national assets which can only be preserved by continued production, albeit at a much reduced pace. This point has been brought home to me only too clearly over the past 10 years as I joined those who were pleading for diversification of the former activities.

I would have vastly preferred a different path, but Electric Boat would simply go out of business if we did not have these submarines and that would cause great tragedy to many citizens in my State.

It is interesting, too, to realize one-third of the economies in the President's programs come out of the programs centered in the little States of Connecticut and Rhode Island. This is a hard figure and I leave it to my colleagues. It seems manifestly unfair that one-third the total cost would come out of programs centered in the little States of Connecticut and Rhode Island. That does not seem fair or balanced.

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

Mr. MCCAIN. Mr. President, I yield myself whatever time remains.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, first I would like to start my wrap up of our debate over the Seawolf by reviewing the process we are going through here today. Again, let me state that such a rescission process simply is not acceptable when the President offers 130 items for rescission action and 97 of those are rejected by the Appropriations Committee before the Senate ever really votes on the issues involved. The American people will never see us consider the views of the Executive Branch or really try to eliminate waste and unnecessary spending.

The Secretary of Defense has made his views on the results of this process very clear. I ask unanimous consent, Mr. President, that the letter to Senator DOLE from the Acting Secretary of Defense be printed in the RECORD.

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

THE DEPUTY SECRETARY OF DEFENSE,
Washington, DC, May 5, 1992.

Hon. BOB DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: This letter provides our views on the defense-related portions of S.

2403 as reported by the Senate Appropriations Committee. The President's senior advisers would recommend that he veto the bill if it were presented to the President in the form it was reported by the Committee and that he then request legislation that would have the effect of rescinding funds consistent with the Nation's defense interests.

The Administration proposed several billion dollars in reductions to the defense budget to save taxpayers' money in a manner consistent with a strong national defense. The Committee bill proposes a similar dollar amount in reductions, but in a manner inconsistent with national security interests. In particular, the Administration strongly opposes the Committee bill's cuts in the vital Strategic Defense Initiative program for global protection against limited strikes and the B-2 bomber program. The Administration also strongly opposes the Committee bill's failure to rescind funds for unneeded Seawolf nuclear attack submarines.

The Committee bill rescinds funds that already have been obligated for needed programs. Such rescissions are inconsistent with defense needs and would necessitate costly terminations of contracts with American defense industries. The Committee bill also rescinds funds needed for orderly completion of Peacekeeper missile deliveries and senior executive communications support. The Committee bill also contains a number of reductions, not yet revealed to the Department of Defense, in classified programs. We object strongly to language in the Committee bill that would incorporate the classified annex into the bill by reference.

The Committee bill fails to terminate funding for M-1 tank conversion and for upgrades to the F-14 aircraft. The cost to the taxpayers for these programs far exceeds their military value, and we urge the Senate to rescind these funds.

To maintain the strong defense we need to protect America's interests, within the limits of the funding the taxpayers can afford, we must allocate defense funds only to those programs that contribute to our military capabilities. The Committee bill diverts scarce defense resources to projects of local interest, such as purchase of unneeded meals-ready-to-eat, combat boots, and Guard Reserve equipment. This is an unwise allocation of the taxpayers' money.

We urge the Senate to amend the Committee bill to enact the rescissions proposed by the Administration.

Sincerely,

DONALD J. ATWOOD,
Acting Secretary of Defense.

Mr. MCCAIN. Mr. President, there are, however, many smaller issues that the Secretary does not address, but provide very clear examples of the kind of waste we are not going to vote on today. For example, consider the appropriation of $61.4 million for the purchase of MRE's. For the benefit of my colleagues, MRE's are meals ready to eat. Someone in Congress added the $64 million to the defense appropriations bill, which pay for 68 million meals ready to eat being on hand in the inventory at the end of this year.

These are enough meals to feed the original 50,000 contingent of Desert Shield troops three meals a day for over a year. Given the contingent nature of MRE requirements—which usually are only required for a short period pending provision of normal messing arrangements—this large a supply is grossly excessive. We will never use procurements of this size and the MRE's will have to be disposed of for nothing, with no benefit derived for the national defense.

Mr. President, we are talking about $61.4 million—$61.4 million—and this is just one example of the incredible obscene spending that goes on and which we can no longer afford.

Let me take another example. The fiscal year 1992 defense appropriations bill added $20 million for Army 2½-ton-truck engines and spares. The Department of Defense included this line item rescission list because the Department has not identified any unfunded requirement for such truck engines and spares—indeed they are the wrong type of engine to meet future needs.

At the very same time we waste this money on trucks, we are telling tens of thousands of young men and women who volunteered for a career in the military that we cannot afford to keep them. We are telling them that their careers are over, but we can afford $61 million worth of meals ready to eat, 68.4 million MRE's, which no one will every eat. We can afford $20 million for truck engines and spares which will never be used. And, the list of waste goes on and on.

Mr. President, when this happens the rescission process is broken, and I say before this body, I will continue my efforts for enhanced rescission power for the President of the United States, known to many as the line-item veto. I will not give up. I will not quit. The American people demand an end to waste and useless spending, and they deserve it.

This rescission process we are going through is a dramatic example of the compelling requirement for a line-item veto. I have quoted two examples, but 97 of the 130 rescissions that were offered to this body by the President of the United States will never be voted on today. They will never be voted on at all, unless, as some of us urge, the President keep sending these rescissions back and sending them back and back until we do get to vote on them.

Now, I do not agree with all 130 of them. But, there should at least be a process where the President of the United States can have individual line items brought to a vote, especially when Congress added many of the expenditures without any hearing, without any legislation proposed, and without any authorization.

Mr. President, let me now turn back to the Seawolf. I think that my distinguished colleague from Alaska just described very well why there is no threat that requires the expenditure of such vast amounts of money—one-quarter of the entire Navy shipbuilding budget.

Mr. President, the letter sent to Senator DOLE by the Acting Secretary of Defense says very clearly what the administration will do in response to this waste of funds, and I will quote part of it:

The administration also strongly opposes the committee bill's failure to rescind funds for unneeded Seawolf nuclear attack submarines. * * * The President's senior advisers would recommend that he veto the bill if it were presented to the President in the form it was reported by the committee and that he then request legislation that would have the effect of rescinding funds consistent with the Nation's defense interests.

Mr. President, I also want to get the true facts about this waste on the record. We have not heard the real story about the termination costs of the Seawolf, and how much we can save if we cancel the SSN-22 and SSN-23.

I have just received an update on these costs and savings from the Comptroller of the Department of Defense, and Mr. President, I ask unanimous consent that this information be printed in the RECORD.

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

Q. If Congress approves the administration's rescission request for the SSN-22 and SSN-23, will sufficient funding remain to cover termination costs the government will be responsible for?

A. Yes. The following table displays the estimated amounts retained to cover sunk costs and termination costs.

[In billions of dollars]

	SSN-22	SSN-23
Appropriated end cost	2.0	2.0
Proposed rescission [1]	1.1	1.3
Estimated sunk/termination costs [2]	.9	.6
Remaining		

[1] Exludes $375M of fiscal year 1992 advance procurement associated with SSN-24/25/26 hulls.

[2] Excludes $400M of prior year sunk costs associated with SSN-24/25 hulls.

The DoD estimate for termination was based on an assessment of program sunk cost and cancellation cost of ongoing procurements conducted shortly after the President's decision to terminate was announced. Because of the magnitude of the number of contractual actions associated with the SSN-21 program, and the contractual uncertainty due to the Navy's issuance of stop work orders in lieu of terminating contracts as soon as possible, this estimate is susceptible to change, however, as later and more complete information becomes available.

The Department is currently in the process of reviewing the large number of contracts involved and awaiting information from the various contractors required after issuance of the program stop work order on the SSN-22 and follow ships.

We will, however, continue to refine our estimates as we are able to collect and analyze information from the numerous contractors involved in the program. However, similar to other large scale major weapon system terminations, such as the A-12, it will be many months, perhaps years, before the final cost can be precisely determined.

Q. What are the estimates for termination costs for the SSN-22? What are the estimates for completing the SSN-22?

A. The Department's estimate for terminating the SSN-22, including all SSN-22 related sunk costs, is $900 million. Because of

the magnitude of the number of contractual actions associated with the SSN-21 program, and the contractual uncertainty due to the Navy's issuance of stop work orders in lieu of terminating contracts as soon as possible, it must be understood that this estimate is susceptible to change as later and more complete information becomes available.

If the Congress restores the SSN-22 rescission at the original appropriated level, then funding is insufficient to complete the ship by approximately $200 to $300 million. The cost of completing the SSN-22 is higher than the amount originally appropriated due to the impact of program termination; i.e. delay and disruption from stop work orders, an increase in projected coverage on the shipbuilding contract shareline (Government and EB share costs above contract target 80% government and 20% EB) and additional funding necessary for detail design efforts.

Q. If Congress disapproves the administration's rescission request, is there sufficient funding available to complete the three ship program?

A. This question must be addressed in terms of the SSN-21 lead ship and the SSN-22 and SSN-23 follow ships.

In terms of the lead ship, it is very likely there will be an increase in the estimated cost to complete. This ship was appropriated in FY 1989 and awarded under a fixed price shipbuilding contract with a cost sharing (80/20-Govt/contractor ratio) incentive for costs between the contract target and contract ceiling. The budget currently does not include any funding to cover government liability if shipbuilding costs exceed the contract target.

It is possible that the SSN-21 lead ship contract will go to ceiling due to a variety of reasons, foremost of which would be a projected increase in overhead at the Electric Boat shipyard due to a decline in future workload. If the estimate to complete this contract does go to ceiling, then the government would incur an estimated liability of approximately $350 million. The status of this contract will be reviewed during the annual Ship Cost Adjustment (SCA) review and any increased funding requirements will be addressed in the next update of the President's budget.

Similarly, if the Congress restores the SSN-22 and SSN-23 rescissions at the original appropriated levels, then funding is insufficient to complete these ships by approximately $200 to $500 million. The SSN-22 is estimated to increase by $200-$300 million and the SSN-23 is estimated to increase by anywhere from zero to $200 million. As indicated earlier, the cost of these ships will likely increase due to the uncertainty resulting from the impact of program termination; i.e. delay and disruption from stop work orders, an increase in projected coverage on the shipbuilding contract shareline (for the SSN-22 only) and additional funding necessary for detail design efforts for the SSN-22 and SSN-23.

Q. What is the marginal cost associated with proceeding with the SSN-22?

A. As indicated earlier, the appropriated amount for the SSN-22 is $2.0 billion. If the rescission proposal is disapproved the cost to complete this ship is estimated to be $2.3 billion.

[In billions of dollars]

	SSN-22
	SSN-22
Appropriated end cost	2.0
Proposed rescission	1.1
Estimated sunk/termination costs	.9
Current estimate to complete	2.3

In effect, the marginal cost of completing the SSN-22 involves a decision on whether or not to spend an additional $1.4 billion over what the government will incur for sunk and termination costs to terminate the contract for this ship. It must be understood that the sunk and termination costs associated with the SSN-23 ($.6B) and follow ships ($.4B) will be incurred regardless of whether the SSN-22 is completed or not.

Q. Electric Boat (EB) contends that the cost of the rescission will equate to the cost of building the SSN-22 and SSN-23 and may in the final analysis result in additional federal expenditures beyond the cost of building these two ships. Explain why rescinding these funds will minimize federal expenditures and makes economic sense in light of a reduced threat environment.

A. EB's estimate of Seawolf termination cost includes "unobservable costs" which EB has designated as "Pay-As-You-Go" costs. They define these costs to include liabilities for retiree medical benefits, worker's compensation expenses and environmental costs. Below is a comparison of DoD's and EB's estimates for Seawolf termination costs:

[In billions of dollars]

	DOD	Electric Boat
Estimated sunk/termination	1.5	1.5
Unobservable	.....	.....
"Pay-As-You-Go" costs	.....	1.5
Externality costs	.....	1.0
Total	1.5	4.0

Estimated termination: DoD's estimate is included in the $1.5B of sunk/termination costs for the SSN-22/23. Detail of EB estimate is unknown.

Unobservable costs: EB contends that these costs are charged to shipbuilding contracts on a "Pay-As-You-Go" basis and that if the government curtails its ship construction program at the yard, other arrangements would have to be made to pay these bills when they come due and "there are no shipbuilding contracts to absorb them." EB also considers that these costs would include the undepreciated cost of facilities constructed specifically to construct new submarines.

Externality costs: EB also believes that there will be non-beneficial externality costs associated with termination of the Seawolf that the government would incur. EB contends that the costs to the local, state and federal governments in lost taxes and increased transfer payments and medical cost add over $1 billion to the cancellation cost of terminating the Seawolf program.

EB's assumptions ignore the fact that it's current backlog of shipbuilding work will continue through the late 1990s and what is referred to as "Pay-As-You-Go" costs will have to be absorbed within existing contracts. EB's assessment appears to be a worst case scenario that envisions the yard closing when Trident and SSN-688 work is completed. Since the Department is planning to initiate construction of a new lower cost submarine in FY 1998, such costs could continue to be absorbed by future contracts. However, since these costs will have to be paid regardless of whether the SSN-22 and SSN-23 are completed there is no basis for including these costs in any assessment of Seawolf termination costs.

Mr. MCCAIN. Mr. President, the Comptroller documents are written in their usual impenetrable style, the bottom line is easy to translate. They make it very, very clear that we will indeed save the taxpayer at least $2.8 to $3.3 billion over the next 5 years if the Seawolf submarine is terminated. That is the view of the Comptroller of the Department of Defense, the only group able to come up with official figures.

Mr. President, the Third World submarine threat is also something of a red herring. The Third World is not a new form of Soviet nuclear submarine threat. The Soviet submarines that are going to Libya and Iran are an old class of conventional submarine. A Seawolf submarine is clearly not required to counter that threat. North Korean submarines, as we know, are noisy, conventional submarines. The People's Republic of China conventional submarines are noisy, and the People's Republic of China is still a long way from building modern nuclear submarines. We have SSN-688's aircraft, and surface vessels to deal with these threats. None, Mr. President, require us to spend over one-fourth of the Navy shipbuilding budget on one weapons system.

The cold war is over. That does not mean that war is over. Wars unfortunately are going on all over the world as I speak in places whose names we never heard of a short time ago: Bosnia-Herzegovina is a name that is not exactly a household word, yet hundreds are dying there each day. These wars, however, are a case for the deterrent and power projection forces we really need and not for submarines we do not. The United States of America will not be militarily involved in most such wars, but the United States of America must be capable of intervening militarily. We have gone from a very unsafe but predictable world to a safer but much less predictable world, which requires a different strategy and different forces.

As the Persian Gulf war proved, we need to spend more money on some parts of our defense inventory—sealift, airlift, amphibious capability, rapid reaction forces, and some means of countering the spread and incredible proliferation of weapons of mass destruction and the means to deliver them. These are clear requirements that cry out for remedy and redress.

The Seawolf does not appear on this priority list.

In summary, I want to report that I have the greatest respect, regard, and admiration for the men and women who work on the Seawolf in Connecticut, Rhode Island, Arizona, and any other State. It is our obligation to do whatever we can as a nation to help them in their transition to new jobs and industrial activities and the pain of this transition.

The submarine that they have produced is the best that the world has ever seen, but when we cut the defense budget by as much as 40 percent over a 5-year period we must focus on key priorities. As a former Navy person, I

take no pleasure in proposing this amendment, but it is my obligation to see that we prioritize our defense spending in a fashion that will secure the future of other generations of Americans.

Mr. President, I yield the remainder of my time.

Mr. BYRD. The amendment offered by Mr. MCCAIN reinstates the administration's proposal to rescind funds for two of the three SSN-21 Seawolf submarines, raising important issues associated with the submarine industrial base, and the capabilities of the U.S. submarine fleet.

The President's rescission proposal was to rescind $3 billion of funds authorized and appropriated in fiscal years 1991 and 1992 for two Seawolf submarines.

I want to state at the outset that the repeated labelling by the President and others of the rescission list as "congressional pork" is wrong and misleading. The administration's proposal to rescind the Seawolf funding is not about cutting "congressional pork." It is about reversing the administration's previous successes in obtaining funding for the two Seawolf submarines.

The administration fought very hard to have Congress fund both of the Seawolf submarines it is now asking the Congress to kill. The Seawolf submarines are not congressional add-ons. They represent approval by the Congress of the administration's own budget request. In 1990, when the Armed Services Committee suggested delaying the second Seawolf, Secretary Cheney wrote a letter strongly opposing such an action. Navy Secretary Garrett, in a similar letter, stated, "The Navy must continue the Seawolf to maintain technological supremacy in undersea warfare. The Chief of Naval Operations joins me in strongly supporting the Seawolf program."

Last year, the administration vigorously opposed an attempt by the Defense Appropriations Subcommittee to substitute improved SSN-668 submarines for the third Seawolf in the fiscal year 1992 budget. Navy Secretary Garrett reiterated his position of strong support for the Seawolf program on September 25, 1991. He said, in a letter to the Armed Services Committee, "Seawolf is absolutely vital to maintain our Nation's technological superiority in undersea warfare." This letter was sent just 3 months before the President's Seawolf rescission announcement in the State of the Union Address and several months after the failed Soviet coup.

Those who are suggesting that Congress dreamed up the Seawolf program and foisted it upon an unwilling administration are ignoring reality. I think we should debate the rescission proposal on the merits. I hope the administration will avoid labeling the Seawolf debate as "pork." If it is pork, it is the President's "pork."

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mr. CRANSTON] and the Senator from Vermont [Mr. LEAHY] are necessarily absent.

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

The result was announced—yeas 46, nays 52, as follows:

(Rollcall Vote No. 83 Leg.)

YEAS—46

Bentsen	Gramm	Pressler
Bingaman	Grassley	Roth
Bond	Hatch	Sasser
Bradley	Hatfield	Seymour
Brown	Helms	Simpson
Burns	Kassebaum	Smith
Coats	Kohl	Stevens
Cochran	Lott	Symms
Cohen	Lugar	Thurmond
Conrad	Mack	Wallop
Craig	McCain	Warner
Danforth	McConnell	Wellstone
Dole	Metzenbaum	Wirth
Domenici	Murkowski	Wofford
Durenberger	Nickles	
Gorton	Packwood	

NAYS—52

Adams	Fowler	Mikulski
Akaka	Garn	Mitchell
Baucus	Glenn	Moynihan
Biden	Gore	Nunn
Boren	Graham	Pell
Breaux	Harkin	Pryor
Bryan	Heflin	Reid
Bumpers	Hollings	Riegle
Burdick	Inouye	Robb
Byrd	Jeffords	Rockefeller
Chafee	Johnston	Rudman
D'Amato	Kasten	Sanford
Daschle	Kennedy	Sarbanes
DeConcini	Kerrey	Shelby
Dixon	Kerry	Simon
Dodd	Lautenberg	Specter
Exon	Levin	
Ford	Lieberman	

NOT VOTING—2

Cranston	Leahy

So the amendment (No. 1791) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader has asked for recognition.

Mr. MITCHELL. Mr. President, I yield to the distinguished chairman.

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

Mr. BYRD. Mr. President, I yield time from the bill to the distinguished majority leader. He has time reserved under the standing order, but I yield him time from the bill.

The PRESIDING OFFICER. The majority leader is recognition.

AFTERMATH OF THE LOS ANGELES RIOT

Mr. MITCHELL. Mr. President, the violent aftermath of the Rodney King case verdict has again shown how vulnerable our society is to sudden social breakdown.

The arson, riot and looting that devastated Los Angeles dramatized the economic and racial divisions that plague our society. An economy that has not created jobs enough for Americans of all races has dealt particularly harshly with the young men of our inner cities. An educational system that does not meet the needs of all of our children has especially failed inner-city children. The criminal justice system, overwhelmed by the plague of drugs and violence nationally, has most demonstrably failed to provide safety and security for the residents of inner cities.

The overwhelming majority of those living in inner cities are law-abiding people, who endure conditions of daily life that most other Americans would not tolerate.

Their personal safety has not been secured by the forces of law and order. Their economic security is not served by an economy that fails to provide them jobs that can support a family.

When a city cannot guarantee most of its people the fundamental right to be safe in their homes and their neighborhoods, when Government cannot assure that all citizens will be treated with justice, then the social contract between citizens and government is dangerously frayed.

We cannot permit America to become two separate societies—one the society of the secure and safe, and the other a society of fear. We must address directly the causes of the problem.

Yesterday, the President's spokesman tried to blame the riot on President Johnson and on failed policies of the 1960's and 1970's. With all due respect, his comments were most unfortunate. They represent precisely the wrong response—the politics of blame, rather than the policies of healing and building.

We can spend the rest of the year arguing about who is to blame for the past, or we can come together to work constructively for the future. I urge that we choose to work for the future. The first step to solving a problem is to recognize the problem. Race has been the most divisive issue in our Nation's history. It is still the most divisive issue confronting our country. It has proven to be a target for political exploitation. We must resist the temptation to political exploitation now.

This is a somber moment for our Nation. The challenge of remaking the American social contract demands leadership.

Our response to cities must be no more, but no less than our response to all Americans: To invest in the goal of

realizing the American ideals of equal justice and equal economic opportunity.

We have taken some steps. The Federal tax obligation for the lowest-paid workers has been eliminated, the tax credits for families was enlarged, health insurance tax credits, jobs, and low-income tax credits have been passed.

The 1988 welfare reform requires able-bodied AFDC recipients to seek work or training to become employable; increases in the WIC, Head Start, and prenatal care programs for low-income families are designed to give the youngest generation a better start in life.

They are small steps in the economic struggle facing low-income Americans. They highlight the need for a renewed national commitment.

We must make it a reality that an American public school education will equip an American to earn a decent living. We must recognize that job training is like a bank account: The more you invest in it, the more dividends you earn in stable families and communities where every resident has a stake.

Economic development in the cities is essential. New businesses and expanding existing businesses are the tools of growth. Jobs are the key. Renewed economic growth is essential.

We must target funds to the problems, target tax incentives to the greatest need and recognize, as we do, that there is no one magic answer.

Finally, we must make good on the promise of law and order. It is time that the people of our inner cities got personal safety, security and justice under law. They deserve to be free of gang warfare, drug dealing, drive-by shootings, and the other things that destroy the concept of community in urban neighborhoods.

Justice is something that most Americans have taken for granted. But justice has been denied to those living in urban ghettos. Justice means personal safety as well as freedom from discrimination. Justice means security for small businesses as well as equal opportunity. Both civil rights and a civilized life are the right of all Americans. It is a myth, it is wrong to say you can only have one at the expense of the other.

There are provisions in the crime bill now pending on the calendar that go directly to the need for justice in our cities. The Police Corps Program would help lower income youth enter law-enforcement, instead of law-breaking.

The gang violence and community policing provisions of that bill are intended to make police a partner in deterring crime and promoting safety. The handgun control provision could begin to slow the relentless arms race that has helped make homicide the number one leading cause of death for young black American men. Drug treatment programs would reduce the market for drugs.

Our commitment to a single American society will be tested severely over time. It will be tested in part by our response to the needs of our cities. The political arguments of today will long be forgotten if the problems remain unresolved. We have already had enough finger pointing, enough blame laying, enough scapegoating.

It is time to recognize that a riot in any American city is not a political opportunity or a political liability. It is an American tragedy. It shames all of us.

And all of us—those in the inner cities and those outside—must share the work of correcting the problem.

Neighborhoods and community organizations that do not work against lawlessness, casual crime and gang warfare cannot expect the larger community to do it for them.

But a government that does not reciprocate with its part in the social contract cannot expect citizens to respect a system of justice that seems stacked against them.

There is a better way. That is to unify as one society a community of diverse but shared concerns in the goal of seeking equal justice, equal opportunity and broader economic opportunity for all Americans.

The problems of our inner cities ought not surprise Americans. They are the problems you can expect to see if you withdraw money, jobs, and services from any community. The claim that programs which put food in babies' mouths cause gang wars is wrong. The claim that marginally literate young mothers can compete for skilled jobs is wrong.

These arguments merely further the indifference, neglect and divisiveness which have sent all America the signal that government works only for the well-off, the comfortable, the secure. It should work for them, but not for them only. It should work for all Americans.

What we need, instead, is to heed the call from the mayors of all our cities, Democratic and Republican alike, who have warned for years that the continued neglect of urban America threatens the future and safety of all Americans.

I look forward to working with my colleagues in both parties to do our part in the badly needed process of healing and recovery in Los Angeles and all across the Nation.

Mr. President, I thank my colleague for his courtesy in yielding time to make this statement.

Mr. BYRD. I thank the majority leader.

RESCISSION OF CERTAIN BUDGET AUTHORITY

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, it is my understanding from the majority leader that he would like to be able to terminate work on this particular bill by 6 o'clock or some such this afternoon.

Mr. MITCHELL. Mr. President, that is correct. It was my hope borne out of the excessive optimism that I usually bring to the Senate scheduling matters that we might even complete action on the bill by then. If it is possible I hope we will do so. The time is not inflexible but, as the distinguished chairman knows, there is an event that many people have planned for a long time this evening in which most Senators will be participating. Therefore, if we cannot finish by somewhere in the neighborhood of 6 or 6:30 I would suggest that we discontinue for the day and complete action tomorrow.

Mr. BYRD. Mr. President, I thank the distinguished majority leader. There is a faint possibility then that the Senate could complete action. As I understand it, Senator BROWN has an amendment or two amendments. And does any other Senator on the other side have an amendment?

Mr. HATFIELD. Mr. President, if the majority leader will yield, I say to the chairman I am only aware of two amendments that Senator BROWN is expecting to offer but I do have knowledge of a number of Senators on our side who wish to make some comments before final passage.

Mr. BYRD. Very well. Perhaps we could at least get to third reading this evening and then make the final comments tomorrow. So 1 hour on each amendment, and Senators need not take the full time after they are disposed of.

I yield the floor so the distinguished Senator may proceed with offering his amendment.

Mr. BROWN. I thank the distinguished chairman.

It would certainly not be my intention to delay the proceedings. I would be happy to agree to a time limit, something in the neighborhood of 10 minutes on each side, or perhaps even less if that would expedite this measure.

Mr. BYRD. That would be fine. Does the Senator speak with reference to each of his two amendments?

Mr. BROWN. That is correct. It may be moved more quickly than that. Any time the chairman would like to propose a time limit I would be happy to agree to whatever he feels is appropriate with regard to both of these amendments.

Mr. BYRD. Is the Senator saying 10 minutes each equally divided for each amendment?

Mr. BROWN. I would be happy to agree to a 10-minute limit on each of the two amendments equally divided.

Mr. BYRD. Very well.

Madam President, I ask unanimous consent that on each of the two amendments which Mr. BROWN will shortly offer there be a time limitation of 10

minutes to be equally divided in accordance with the usual form.

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

The Senator from Colorado.

AMENDMENT NO. 1792

(Purpose: To express the sense of the Senate that funds should not be appropriated for programs and projects that have not met objective criteria throughout the appropriations process)

Mr. BROWN. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN], for himself, Mr. KOHL, and Mr. SMITH, proposes an amendment numbered 1792.

Mr. BROWN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE THAT UNNECESSARY WASTEFUL SPENDING BE ELIMINATED.

It is the sense of the Senate that —

(1) all programs and projects for which funds are appropriated should adhere to objective criteria throughout the appropriations process; and

(2) money should not be appropriated for programs and projects unless—

(A) the programs and projects are a topic of an appropriations hearing;

(B) the programs and projects are authorized before funds are appropriated; and

(C) the programs and projects are not added on to appropriations bills in conference if they were not included in either the House or Senate-passed bill.

Mr. BROWN. Madam President, this is a straightforward amendment. It is presented on not only my behalf but on behalf of the Senator from Wisconsin. The amendment simply states that we ought to, in appropriating funds, make sure there is an appropriations hearing, so the voters are assured it is aired in public and reviewed. The amendment also states that these projects and programs should be authorized before funds are appropriated. This is the basis for having our authorization committees. Lastly, it requires that funds are in the Senate or the House version of an appropriations bill and are not added in conference. Funds must be in one of the appropriations bills.

Madam President, at this point I yield to the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Madam President, after we pass an appropriation bill, people read it. And when they do read it, all too often they find what is called pork—programs and projects which were requested by a particular Member to benefit his or her State. These programs and projects often have some intrinsic value, but in the context of a $400 billion deficit, they are not necessary and cannot be justified.

These Member projects are usually simply inserted in a bill: they are rarely reviewed in a public hearing, usually not authorized, hardly ever subjected to the normal competitive process.

Now we all know that once such a provision is inserted in a bill, it is almost impossible to remove it. Policy disagreements may be professional, but pork is personal. If you take on a Senator's project, you are perceived as challenging his or her judgment, and threatening his or her ability to meet the needs of their State. Each of us thinks of our States as something of a fiefdom. We believe we know what projects will help our State and our people. And we are almost certain that helping them helps us—the political muscle we display when we deliver will help get us reelected.

The net result is that we feed the image of the Congress as pork dispensers and log rollers.

The rescission bill now before us attempts to do something about the problem. It eliminates a good deal of pork barrel spending. But it does so without acknowledging that pork barrel spending is wrong. It does so only selectively. And it does so only retroactively. Nothing in this legislation makes the sort of systemic changes we need to make if we are to reduce unnecessary and unjustified spending in the future.

Now I do not blame any Member for seeking to help his or her State get a project or a college get a grant. Under the rules of the game as we play it, that is what we are supposed to do.

So it is time to realize that this is not a game.

It is time to change the rules.

And that is what this amendment does.

It does that by saying that Congress should not appropriate funds for programs unless those programs meet a set of objective, bipartisan criteria. The amendment says that funds should be appropriated only for programs that have had a hearing about them, that are authorized, that were not added in conference, and that don't violate the spending limits we set during the budget process.

I cannot believe that any Senator would disagree with these simple requirements. These criteria, in my opinion, are the bare minimum that any spending bill should meet. These criteria are not political or partisan.

All they say is four simple things: Before we spend taxpayers' money, we ought to take the time to have a hearing about our spending. Before we spend taxpayers money, we ought to enact a law establishing the program on which we will spend money. Before we spend taxpayers' money, the entire Congress—and not just a small conference committee—ought to vote on the proposed spending. Before we spend taxpayers' money, we ought to make sure the spending is within the overall budget we set for ourselves.

These are not draconian requirements—they are common sense. In fact, I would guess that most Americans would be surprised that we do not always follow these simple rules.

Madam President, let me conclude with this point. Last year, when we passed the budget and the appropriation bills, we were continually told that this was it; this was the bottom line; all the fat had been trimmed away; we were now cutting into muscle and sinew. So we were told.

Until the President told us to cut another $7.8 billion. And made a public issue of it.

Then, suddenly, we found a new bottom line; we found some more fat; we found a way to make some cuts without damaging muscle or sinew. In fact, in a variation of the "in your face" strategy we know so well, we found more money than the President did. The Committee now recommends a cut of $8.2 billion.

But if the President had not challenged us, that money would have been spent—without a care; without a second thought; without anyone questioning it.

Well, I congratulate the President for making the request. And I congratulate the committee for responding to it.

But it is not enough to do this on an ad hoc basis in response to a political challenge.

In my judgment we have to do it on a regular basis in response to the fiscal crisis we face.

We have to do it to discharge our obligations to our country and our constituents.

We have to do it to improve the public attitude toward the Congress in particular and the Government in general.

We have to do it to properly do our jobs.

The amendment I offer with Senator BROWN is a step in these directions. I urge its adoption.

Thank you, Madam President.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, on this issue of lack of authorization, as Senators are aware, there are many programs each year which lack authorization but for which funding must be provided. For example, salaries and expenses for the Department of the Treasury, Federal law enforcement training centers, the Bureau of Alcohol, Tobacco, and Firearms, U.S. Mint, U.S. Secret Service; within the Internal Revenue Service, administration management processing returns, tax law enforcement and information systems; many offices within the Execu-

tive Office of the President, including the Executive residence at the White House, special assistants to the President, Council of Economic Advisers, the Office of Management and Budget, the National Archives, the Federal Trade Commission, Federal Communications Commission, Securities and Exchange Commission, Minority Business Development Agency, U.S. Travel and Tourism Agency, the Export Administration, International Trade Administration, Federal Bureau of Investigation, Drug Enforcement Agency, salaries and expenses for the U.S. attorneys, Immigration and Naturalization Service, and so on and so on.

Also, Madam President, paragraph 7 of Senate rule XVI requires that committee reports on general appropriation bills identify each committee amendment to the House bill which proposes an item or appropriation which is not made to carry out the provisions of an existing law a trealy stipulation, or an act or resolution previously passed by the Senate during that session.

Appropriations Committee reports are required to comply with paragraph 7, rule XVI. In so doing, committee reports on all 13 regular appropriations bills identify unauthorized appropriations. And the Members of the Senate are then able to determine for themselves whether to offer amendments to modify or to strike such unauthorized items from each appropriation bill.

Now I call these things to the attention of Senators because apparently Senators are not aware of them. Senators need only be on this floor when the appropriations bills come before the Senate, and if those Senators will look at the committee reports and study the bill, those Senators will be able to offer amendments if they wish to do so to strike any item that is not previously authorized. That is a Senator's right. But a Senator should not sleep on his rights and then claim that these things are slipped by and that Senators do not have an opportunity to know what is in the bill, and that these items that are not authorized are passed. As I say, some of them are, but for good reasons.

So the committee reports accompanying these appropriation bills are required to set out such provisions for Senators to see. All Senators have available to them prior to Senate consideration the committee reports on every fiscal year 1992 appropriation bill and they had an opportunity to offer amendments to strike the items contained in the bills during Senate debate on each bill.

I will not go further into the matter, Madam President. I am ready to vote. And if the Senator is prepared for a voice vote, this Senator is also prepared.

The PRESIDING OFFICER. Is there any other Senator who wishes to speak on the amendment?

Mr. BYRD. I yield back my time if I have any to yield back.

The PRESIDING OFFICER. The Senator from West Virginia's time is yielded back.

The question then is on agreeing to the amendment.

The amendment (No. 1792) was rejected.

Mr. BYRD. Madam President, I move to reconsider the vote by which the amendment was rejected.

The PRESIDING OFFICER. Without objection, the motion to lay on the table is agreed to.

AMENDMENT NO. 1793

(Purpose: To make additional rescissions dropped by the committee but included in the President's bill)

Mr. BROWN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN], for himself and Mr. SMITH, proposes an amendment numbered 1793.

Mr. BROWN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 29, line 12, strike "$20,000,000 are rescinded." and insert the following: "$21,000,000 are rescinded.

"ADDITIONAL PORKBUSTER PROVISIONS FROM THE PRESIDENT'S BILL

"The funds proposed for rescission in R92-43, R92-45, R92-46, R92-47, R92-48, R92-50, R92-51, R92-54, R92-55, R92-57, R92-59, R92-61, R92-67, R92-97, R92-66, R92-68, R92-69, R92-70, R92-71, R92-72, R92-73, R92-74, R92-75, R92-76, R92-77, R92-78, R92-79, R92-80, R92-81, R92-82, R92-83, R92-84, R92-85, R92-86, R92-87, R92-95, R92-96, R92-98, R92-99, R92-100, R92-89, and R92-90 are rescinded.".

Mr. BROWN. Madam President, this is a very simple, straightforward amendment. It restores rescissions on 42 projects that were in the original rescission package presented by the President on March 20, 1992. It saves $60 million of taxpayers' money. These are items that were also included in the original pork buster bill (S. 2265). I hope we will have somebody come to the floor and tell us why it is essential to spend taxpayers' money on feeding mink squawfish; that is one of the studies here. The other one of national significance is mesquite and prickly pear. Let me read this project to you.

The project is to breed improved mesquite and prickly pear, to find new uses for the product. It has not been awarded competitively. It has not had peer review. It has no national significance. It did not require funding from direct beneficiaries.

Madam President, these 42 projects are pork barrel waste. This amendment gives the Members of this body an opportunity to eliminate $60 million of waste.

At this point I ask unanimous consent to have printed in the RECORD a letter of support for this amendment from the Citizens Against Government Waste.

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

COUNCIL FOR CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, May 4, 1992.

DEAR SENATOR: On behalf of the Council for Citizens Against Government Waste (CCAGW), I am writing in reference to S. 2403, legislation to rescind certain funding in the fiscal year 1992 Appropriations bills which will be up for consideration on Tuesday, May 5th.

CCAGW strongly urges your support of an amendment to be offered by Grace Caucus Chairmen Hank Brown (R-CO) and Herbert Kohl (D-WI), expressing the sense of the Senate that unnecessary, wasteful spending be eliminated from the budget process. This resolution also calls for the denial of funds to projects which have circumvented the appropriation process by NOT being authorized or subject to hearings in the Appropriations Committees.

In addition, Sen. Brown will offer an amendment to substantially increase the dollar amount of rescissions by including the President's rescissions, which are also included in the Spending Priority Act of 1992.

As the nation faces skyrocketing deficits and unprecedented spending levels, one thing is clear: there is no room for pork in the federal budget. Your support of the Brown-Kohl sense of the Senate amendment, and the Brown amendment to increase the number of rescissions, will demonstrate your commitment to cutting wasteful, pork-barrel spending from the budget process.

Sincerely,

THOMAS A. SCHATZ,
Acting President.

Mr. BROWN. At this point I yield to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Madam President, I thank the Senator from Colorado for yielding. I am pleased to be a coauthor of this amendment and rise in strong support. This is a great debate. We are talking about how much money to save, so the taxpayers are going to win, one way or the other. The distinguished chairman of the Appropriations Committee spent a good deal of time this morning discussing waste in the executive branch. That is good. It does not make a difference whether tax dollars are wasted by the administration or tax dollars are wasted by Members of Congress. Waste is waste. And it should all be cut. This amendment does just that.

I think we should look under every single stone, for every opportunity. The Appropriations Committee made some very important additions to the President's package, but they just could not resist protecting some of the pork. The bill does not touch, as Senator Brown mentioned, mink research. We are trying to take that out with this amendment: $46,000 worth of mink

research; or $3 million for a poultry center in Arkansas; or perhaps $94,000 for asparagus yield decline in Michigan or $185,000 for lowbush blueberry research in Maine.

I ask my colleagues, are those projects as important as immunization of children in some ghetto? Are these as important as curing cancer or AIDS? I think not. I do not think the American people think they are either. I think it is outrageous.

You could ask any taxpayer on any street in America and say "Do you support these projects, given the fact that we have a $3.8 trillion national debt?" And you know what the answer would be: Absolutely not.

Why were these spending items preserved while others were cut? What do all of these items have in common? I, frankly, do not know. Do they all have a pressing national need? I do not know what that is. Were all of these projects authorized? No. Were the projects competitively awarded? No.

My point is that the Congress, and sometimes the administration, frankly, makes spending decisions subjectively and many of those spending decisions have not been very good. As a matter of fact, they have been very poor.

I think we need to reach a consensus on some objective criteria that can be used to determine whether or not a particular spending project should be approved.

There is a saying around this town that pork is always the other guy's project. I do not think it has to be that way. Last year I introduced a bill in the Senate, and Senator BROWN was one of the very few cosponsors of the legislation, that attempted to identify projects objectively. We identified a number of them, some good, some bad, that failed what you can call a pork litmus test. We used some of the criteria I mentioned earlier. Was the project authorized? Was it competitively awarded? Did the project go through the hearing process or was the project simply added in conference?

To this Senator it does not make a bit of difference whether it is spent in Arkansas, West Virginia, or New Hampshire. If we spend that money without first making a fair and objective analysis based on merit, need, and competition, we are not doing our job. It is as simple as that.

This year Senator BROWN and I introduced a similar bill, S. 2265, the Spending Priority Reform Act of 1992. This amendment adds an additional 42 rescissions that were contained in that legislation and in the President's rescission package, 60 million dollars' worth

The PRESIDING OFFICER. The time of the sponsor of the amendment has expired.

Mr. SMITH. Madam President, I ask unanimous consent for 1 additional minute.

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

Mr. SMITH. In my opinion, the more we can save the better. We should rescind the congressional pork, the Presidential pork, and all the pork, Madam President. Let us rescind it all. Let us rise to the occasion.

Frankly, in conclusion, I wish every one of my days here in the Senate could be spent discussing not whether or not we would cut any pork, but how much pork. This is great progress, Madam President.

I thank the Senator from Colorado for yielding and yield back the remainder of my time.

Mr. MITCHELL. Madam President, the amendment before the Senate would rescind a $185,000 special grant under the Cooperative State Research Service for lowbush blueberry research in the State of Maine. This was among the projects recommended for rescission by President Bush earlier this year.

Opposition to this special grant is premised on three premises. Unfortunately, all three premises are flawed. I will address each one briefly.

The first premise is that the special grant for Maine is unnecessary because there is almost $1 million in other CSRS-sponsored blueberry research ongoing nationally already.

The problem with this argument is that only the Maine research is directed to lowbush blueberries. All other CSRS-sponsored blueberry research is directed to highbush blueberries, a point CSRS acknowledges in an April 30 letter to my office.

That is not an insignificant difference. The two plant species differ in many ways: plant structure, the nature of the soil in which they are grown, pruning practices, and harvesting schedule.

Correspondence I have received from the Maine Blueberry Commission; John Smagula, professor of horticulture at the University of Maine; and Dr. G.W. Wood, executive director of the Wild Blueberry Association of North America all point out that research conducted on highbush blueberries is not transferable to the lowbush blueberry. I ask unanimous consent for these letters to be printed in the RECORD at the conclusion of my remarks.

The second faulty premise upon which opposition to the special grant is based is that the research funded under the special grant is not valid because it is not peer reviewed or competitively awarded.

Again, quoting from the Maine Blueberry Commission,

all research programs supported by the Maine Experimental Station go through several layers of review [that] begins at the Departmental level * * * through a Research Council of interdisciplinary peers who rigorously challenge the relevancy of projects, the soundness of the methodology, the availability of sufficient resources to ensure completion, the availability of expertise at all stages of the program to ensure success, and who apply other tests of attainment to ensure effective science is done.

In addition,

* * * the Maine Blueberry Advisory Committee reviews all blueberry projects * * * and recommends those projects which best address industry needs * * * [and] challenges the researchers on their work. The Committee includes industry members with science and engineering backgrounds.

So, it should be understood that the merits of any research conducted under this special grant are rigorously reviewed.

The third faulty premise behind the amendment is the contention that the direct beneficiaries of the special grant do not contribute to the research.

The Cooperative State Research Service estimates it will support $1,006,000 for blueberry research in fiscal year 1992. Of that total, $185,000 is the subject of this amendment; $260,000 is a special research grant to Rutgers University; and $561,000 is anticipated to be spent under Hatch Act and Evans-Allen formula funding that goes to agricultural experiment stations and historically black colleges.

The fiscal year 1992 Hatch Act and Evans-Allen funding totals are based on fiscal year 1990 spending level, the latest complete year figures available to CSRS.

Madam President, in fiscal year 1990, total Hatch Act funding for blueberry research was $465,000. The Agricultural Experiment Station at the University of Maine contributed $148,000 or 31.8 percent of that total.

CSRS also says, using fiscal year 1990 figures as a base, that $2.87 million in non-Federal funding was available for blueberry research. Of that amount, State appropriations and industry support from Maine were $473,000 or 16.5 percent of the total.

So using the latest CSRS figures, Maine matched its special research grant with $621,000 of Hatch Act and non-Federal funds.

Madam President, Maine's lowbush blueberry industry is a growing source of employment and economic vitality in my State. The industry has grown from generating annual averages of $15 million in the 1980's to almost $100 million in 1990 and $56 million in 1991. Much of this industry is centered in the most rural and economically disadvantaged areas of the State.

Consistent high value, employment, and exports are possible if the industry is able to continue the research made possible, in part, by this special grant.

It would be penny wise and pound foolish to rescind the Federal component of that research, especially if the Senate was to do so on the basis of the faulty premises and the incorrect understanding of the unique nature of the Maine lowbush blueberry that has prompted much of the opposition to this special grant.

This amendment should be rejected by the Senate.

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

MAINE BLUEBERRY COMMISSION,
Orono, ME, March 30, 1992.

Hon. GEORGE J. MITCHELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MITCHELL: In response to President Bush's call for rescission of funding for fiscal year 1992, Maine's blueberry industry asks for your help in correcting some misconceptions. Our specific concern is the President's inclusion of Cooperative State Research Service (CSRS) funding for lowbush blueberries ($200,000) in his call for budget reductions. This funding is essential to the health and future prospects of the industry. The reason for rescission outlined in the Washington Post misrepresent the CSRS program for lowbush blueberries. We hope you can help clear up these misconceptions.

Is this funding justified? To effectively answer this question we must review why we spend public tax dollars on any program. I believe one reason is to benefit our society through investment in the future. There are few better ways to invest public funds than to invest them in industries and businesses that provide jobs and generate positive cash flow into our economy. Every facet of human endeavor is dependent on a healthy economy. This kind of investment is particularly important in an area of our country which has been traditionally economically depressed. This is truly public investment, not public expenditure. These programs represent leadership and foresight rather than happenstance and hindsight.

The lowbush blueberry industry clearly demonstrates a positive return for this investment. The industry has grown from generating, on the average, approximately 15 million dollars annually in 1980 to over 56 million dollars annually in 1991. The blueberry industry in Maine generated about 100 million dollars in 1990. The advent of consistent 100 million dollar years is within reach if we continue to provide the quality research programs necessary to remain competitive in the world marketplace. This positive return on investment is highly correlated to the work being done at the Maine Agricultural Experiment Station.

Are these CSRS funds being requested in addition to the 1 million dollars already requested for blueberry research? Absolutely not. The funding requested from Maine is for the lowbush (wild) blueberry which is a distinct species of plant, unlike the highbush or rabbiteye blueberries supported by the 1 million dollars mentioned in the news article. The work being done on these other species is not transferable to the lowbush blueberry. The lowbush blueberry is unique in every stage, from its growth habit through harvesting. The only research being done in the U.S. to address the needs of the lowbush blueberry, is at the University of Maine. Unlike all other major agricultural crops in Maine, the lowbush blueberry industry is not able to take advantage of information from other research programs around the Nation. The lowbush blueberry industry can only look to University of Maine researchers for the necessary answers to disease control, insect control, plant nutrition, water management, etc.

These programs include many projects directed at protesting the environment. There are projects on developing Integrated Crop Management techniques, improving native pollinator habitat, developing mechanical field sanitation equipment, investigating alternative weed control methods, developing pesticide residue screening procedures, etc.—all with significant social benefits beyond the industry itself.

Are these programs subjected to peer review? Absolutely. All the research programs supported by the Maine Experiment Station go through several levels of review. Review begins at the Departmental level and continues through a Research Council of interdisciplinary peers who rigorously challenge the relevancy of projects, the soundness of the methodology, the availability of sufficient resources to insure completion, the availability of expertise at all stages of the program to insure success, and who apply other tests of attainment to ensure effective science is done.

In addition to internal review, the Maine Blueberry Advisory Committee also reviews all blueberry projects. This Committee, established by Maine law, advises the University on the needs and priorities of the industry. The Committee reviews each project and recommends those projects which best address industry needs. This is not a simple or quick process. The Committee holds numerous meetings (7 in 1991) and also challenges the researchers on their work. The Committee, which includes industry members with science and engineering backgrounds (one with an earned doctorate in horticultural science), reviews all proposals and requires periodic progress reports from the researchers. In one word there is accountability. I believe this accountability is on a level and sufficiency higher than most comparable programs.

Are there contributing funds from the direct beneficiaries? Absolutely! The Maine blueberry industry instituted an industry tax program in 1945 with the explicit purpose of funding research for the betterment of the industry and the State. For more than forty years the industry never asked for Federal dollars; we exercised the foresight to invest in our future. It was only after our recognition of the explosion in the industry's growth, the avalanche of new regulations, and the increasing world competition, that we realized we needed to do more—more than we could possibly fund on our own. Only then did the industry seek help, and rather than asking for a handout we asked for a partnership between our industry, the University, and our Federal government.

The blueberry industry contributes approximately $100,000 annually to help fund research at the University ($111,300 in 1992) and the University contributes approximately $300,000 in resources. This represents a 2:1 ratio of industry + University funds to Federal funds.

In summary, these Federal funds:

Have provided a positive return on investment.

Are not linked to the other Federal funds requested for blueberry research. Lowbush blueberries are a separate and distinct species from the other blueberry projects and we cannot use research information from these programs.

Will go to support research programs which undergo rigorous review by internal and external review committees before approval. This review is part of an on-going process leading to a high level of accountability.

Are matched by the lowbush blueberry industry and the University. This match to Federal funds is on a 2:1 ratio (industry + University : Federal).

Help support programs that are directed at protecting the environment and thus provide significant social benefits to the public.

Will help provide investment in the future of Maine's blueberry industry. This industry is a growth industry that will continue to create jobs, provide a positive cash flow into the economy, and is increasing its export trade which contributes positively to our trade balance.

I hope this background information helps clear up some of the misconceptions regarding the lowbush blueberry industry's funding request. Please let me know if you need additional information or if I can be of further assistance. Thank you for your consideration of this matter.

Respectfully,

EDWARD J. MCLAUGHLIN,
Executive Director.

DEPARTMENT OF AGRICULTURE,
COOPERATIVE STATE RESEARCH SERVICE,
Washington, DC, April 30, 1992.

Subject: Blueberry Research.

To: Steve Hart, Office of Senator Mitchell.

The Cooperative State Research Service (CSRS) supports blueberry research at State Agricultural Experiment Stations and other cooperating institutions. In Fiscal Year 1992, CSRS supported research on blueberries is estimated to be $1,006,000. This includes the $185,000 for lowbush blueberry research that the President has proposed for rescission. An estimated $563,000 will be available for blueberry research in the 1993 President's Budget. This decrease is due to the proposed elimination of CSRS Special Research Grants for lowbush blueberry and cranberry/blueberry research. In Fiscal Year 1993, an estimated $2,870,000 in non-federal funding will be available for blueberry research.

Lowbush blueberries are grown commercially in Maine and New Brunswick, and Nova Scotia, Canada. Highbush blueberries are grown in other parts of the United States with rabbiteye (a type of highbush) grown in the South since it is heat tolerant. Lowbush blueberries are a multimillion dollar industry for Maine. In the United States, essentially all production and research for lowbush blueberries is conducted in Maine.

If you have further questions about the CSRS budget or proposed rescissions, please contact Betty Lou Gilliland, CSRS Budget Officer, on 202/401-5787.

JOHN PATRICK JORDAN,
Administrator.

UNIVERSITY OF MAINE,
Orono, ME, May 1, 1992.

W. STEPHEN HART,
Legislative Assistant, Russell Senate Office Building, Washington, DC.

DEAR MR. HART: I have been asked to provide information about the differences between highbush blueberries (*Vaccinium corymbosum*) and lowbush blueberries (*Vaccinium angustifolium*). This information should indicate why research on highbush blueberry can not apply directly to lowbush blueberry production.

Both plants are called blueberries because both have blue colored fruit and are members of the same genus, *Vaccinium*. But here is where the similarities seem to end.

These two plant species differ in many ways including: plant structure, nature of soil on which they are grown, pruning practices and harvesting schedule.

1. PLANT STRUCTURE

The highbush blueberry is an upright growing plant that reaches about 12-15 feet in height.

The lowbush blueberry is a low growing shrub that spread laterally through an underground stem system called a rhizome. It is from the underground rhizome that upright shoots emerge and grow to only about 12 to 18 inches tall.

2. NATURE OF SOIL

The highbush blueberry grows in a plowed soil, which is why the highbush is also called the cultivated blueberry.

The lowbush blueberry grows in an undisturbed forest soil that has a layer of nutrient-rich organic matter (leaf litter from the forest trees) on the surface. Of course, the forest has now been cleared and the lowbush blueberries have become the predominant species. The lowbush blueberry is maintained as the predominant species by weed control techiques.

3. PRUNING PRACTICES

The highbush blueberry may receive yearly pruning of old and diseased wood.

All the lowbush blueberry growth above ground is pruned to the soil surface every other year. This stimulates a vigorous flush of growth which is vital to flower bud production and subsequent fruit yield.

4. HARVESTING SCHEDULE

The alternative year pruning of lowbush blueberries results in a crop of berries every other year. Highbush blueberry plants produce a crop every year.

The method of harvesting is also significantly different between the two crops. Most of the lowbush blueberries are hand harvested by metal rakes. Highbush blueberries are hand picked and also machine harvested by over-the-row picking machines that knock the berries off the bushes onto collection mechanisms.

I hope this brief description of some of the differences between highbush and lowbush blueberries will illustrate why research on highbush blueberries can not be easily transferred to our unique corp, the lowbush blueberry.

If additional information or clarification is required, don't hesitate to call me (207-581-2925) or Dr. David Yarborough, Lowbush Blueberry Specialist, Cooperative Extension (207-581-2923).

Sincerely,

JOHN M. SMAGULA,
Professor of Horticulture.

WILD BLUEBERRY ASSOCIATION
OF NORTH AMERICA,
Fredericton, N.B., May 1, 1992.

Mr. W. STEPHEN HART,
Legislative Assistant to Senator George Mitchell, Russell Senate Office Building, Washington, DC.

DEAR MR. HART: It has come to my attention that Federal funding for research on lowbush blueberry may not be authorized for the current year because of budgetary constraints. I was both surprised and disappointed that important ongoing projects are in jeopardy, and hope that every effort is being made to retain maximum support for them.

I am sure that you are aware of the importance of the blueberry industry to Eastern Maine, and the necessity of continuing improvements in production technology in order to maintain its competitive position. The management practices for lowbush blueberries are unique, and research findings for cultivated highbush blueberry and other related fruits are not applicable. Withdrawal of support for committed programs at this time can have serious consequences on the industry, and I would appreciate your fullest support for maintaining a high priority for lowbush blueberry research in Maine.

Yours truly,

Dr. G.W. WOOD,
Executive Director.

The PRESIDING OFFICER. The Senator from West Virginia has 5 minutes.

Mr. BYRD. Madam President, it is very easy for the President, or for any Senator, for that matter, to come up with a package of rescissions of the magnitude of the President's proposals. Such a package need only meet the litmus test, the priorities, of one individual. The form of government set forth in our Constitution contemplates that Congress act collectively, reflecting and representing the views of the people, not just one individual. Our Founders did not want a king.

Madam President, the amendment of the Senator from Colorado would restore 42 of those rescissions requested by the President, which the committee rejected.

My colleagues have never accepted every jot and tittle of any President's proposed budget. Likewise, I don't believe my colleagues want to accept, without question, every jot and tittle of the President's proposed rescissions.

The Congressional Budget and Impoundment Control Act of 1974, in fact, allows for germane amendments and the Appropriations Committee accepted the rescissions of the President where it thought they had merit, modified others, and rejected those that it felt should not be made.

We did take the President's proposals very seriously. That is why, as I said earlier, I asked each of the subcommittees to review carefully the President's proposed rescissions and to accept those that they found to have merit. To the extent that the subcommittees were unable to concur in the President's proposals, they were to recommend alternative rescissions that, at a minimum, matched and often exceeded the dollar amounts proposed by the President for that subcommittee.

We played no games. Every subcommittee for which the President recommended rescissions, has matched or exceeded the dollar amount proposed for rescission by the President. In title I, addressing rescissions proposed on March 10, 1992, the committee recommendation exceeds the President's proposed rescissions by $205,351,054. In title II, addressing rescissions proposed on March 20, 1992, the committee recommendation exceeds the President's proposed rescissions by $196,922,900. In title III, addressing a rescission proposed on April 8, 1992, the committee recommends concurrence in the President's proposal. In title IV, addressing rescissions proposed on April 9, 1992, the committee recommendation exceeds the President's proposals by $22,500,000.

Turning now to specific rescission requests of the President, which this amendment would restore, let us examine the committee's action as it relates to these individual programs, projects, and activities.

Mr. President, the amendment by the Senator from Colorado would rescind several agricultural research projects that were appropriated through the special research grants account of the Cooperative State Research Service of the Department of Agriculture. Contrary to the statement of the sponsor of the amendment, these grants are authorized and the authorization does not provide that they be competitively awarded.

The committee has reviewed these rescissions and has chosen not to rescind these research projects, for reasons which I shall state.

The $225,000 for alternatives to Dinoseb has important ramifications for nonprogram crops. The ban on the pesticide Dinoseb imposed by EPA has posed serious problems for Pacific Northwest snap bean, green pea, raspberry, and blackberry growers who have depended on this chemical for weed control for over 40 years. Progress toward finding an alternative has been made on caneberries, peas, and small-seeded clovers through research on alternatives.

Likewise, the rescissions that the amendment proposes for asparagus yield decline, celery fusarium, and cool season legume research are important projects for specialty crops and the associated diseases and pests that plague them. Each crop has its own special problems and the research is intended to assist farmers in finding methods to deal with these problems or develop new strains that are resistant to the diseases. Therefore, the committee chose not to rescind the $520,000 for these projects.

The eastern filbert blight continues to advance into the major hazelnut production areas of Oregon. Hazelnuts are a $45 million industry in Oregon. Current research efforts are focused on breeding resistant strains of filbert trees, replacing diseased trees, testing of fungicides, and the study of the biology of the blight. Thus, the committee has not rescinded $85,000 for this research.

Nor has the committee seen fit to rescind the $125,000 for leafy spurge biocontrol. This project is a joint effort by the Gros Ventre/Assiniboine Indian Tribe of the Fort Belknap Reservation and Montana State University. In the area of the Fort Belknap Reservation of north-central Montana, vast tracts of productive land are being lost to noxious weeds, especially leafy spurge. The project is studying the effectiveness of ruminants, particularly sheep, to check the spread of this weed. The preliminary results indicate that sheep will browse spurge to the point where native grasses begin to return. The university, working with the local weed

control district, would like to continue the program on a broader scale.

This amendment would also rescind $85,000 for lowbush blueberry research in Maine. Lowbush blueberries are a crop unique to Maine among the 50 States. As such, the crop has growing, harvesting, and processing attributes different from other blueberry species and opportunity to transfer technologies from other crops or geographic areas is severely limited. The project has allowed the Maine Blueberry Commission to begin research with the Maine Agricultural Experiment Station in the areas of production practices, product quality, and new product development.

The research on mesquite and prickly pear is a project conducted by Texas A&I University in Kingsville, TX, with an appropriation of $100,000. It supports research on the commercial utilization of mesquite and prickly pear. Research on prickly pear is directed toward finding more cold tolerant and palatable varieties, and toward developing nonfood, nonfeed use. Research on mesquite is directed toward the improvement of cultivation and harvesting methods, and the development of commercially viable mesquite wood products.

The $46,000 provided for mink feeding and reproduction research is conducted by Oregon State University at its experimental fur farm and supports research to improve the health and welfare of domestically raised fur-bearing animals. OSU has achieved several breakthroughs which have reduced disease, improved animal health, cut farm costs, and strengthened the American fur-farming community. Fur farmers generate $9 million annually into Oregon's agricultural economy and more than $140 million nationwide.

The committee has not rescinded $250,000 for safflower research. Safflower represents a much needed cropping alternative for western North Dakota and Montana farmers. This joint North Dakota-Montana effort will develop a significant plant breeding program designed to improve crop yield, increase oil content and quality, and improve cultural practices. These advances are needed to make this crop a profitable alternative in the cropping systems of North Dakota and Montana producers.

The committee has also not rescinded $187,000 for small fruit research in Washington, Oregon, and Idaho. These States are major producers of berry and grape crops. This small fruits industry composes 2,800 growers and 240 processors with a processed value of $354,000,000. Most of the farms are small family-owned operations with an average size of 25 acres. The research seeks to develop, expand, and enhance berry and grape product quality through improved pest management, processing and packaging technology, and marketing.

Finally, in the agriculture area, the committee did not recommend the rescission of $76,000 for urban pest research in Georgia. The project, conducted at the University of Georgia, supports research assessing the biological activity of alternative and conventional control agents against household and structural pests. In addition, the study will evaluate the efficacy of control agents and monitor the environmental fate of control agents applied in household, industrial, and institutional settings to manage insect pests.

The amendment by the Senator from Colorado would eliminate funds for 22 community development projects. At a time when our economy is in distress, such projects are vitally needed. Further, each of these projects was approved by the Congress after careful consideration, and each of the projects meets the criteria of the Department of Housing and Urban Development's Community Development Block Grant Program. These criteria are: Benefit low- and moderate-income communities; aid in the prevention or the elimination of slums and blight; or, meet other particularly urgent community development needs.

In addition, it is important to note that funding for assisted housing was reduced from $30.1 billion in fiscal year 1981 to $7.9 billion in fiscal year 1990, a 74-percent reduction. These reductions occurred at a time when need remained substantial. The housing and community development projects approved by the Congress, and proposed for rescission by Senator BROWN, help meet the significant shortfall in this area. Currently, there is a backlog of $30 billion of eligible housing and community development projects which have not been funded due to budgetary constraints.

Included in the Brown amendment are important environmental projects. These include $70,000 to demonstrate the viability of biomass gasification, a potentially inexpensive and environmentally sound source of energy. The amendment would also rescind $1.45 million for a nonpoint source pollution control project in Kansas, Nebraska, and Iowa which will increase our understanding of the causes of, and means to control, nonpoint source water pollution, a major contributor to water quality degradation. The amendment would also rescind $116,000 for wetlands research projects which will increase the understanding of how land use practices affect wetlands. Given the current controversy over protection of wetlands, projects which increase the base of knowledge of wetlands should be supported.

The committee also rejected the administration's proposal to rescind $20,000,000 from a research and training facility in Bay City, MI. This facility will play a critical role in EPA's supercomputing program.

The committee recommendation rejected the two particular projects requested for rescission by the administration from within NASA because they are of vital importance to the State of Michigan. CIESIN is an educational and research consortium that will help policymakers understand the importance of findings in global change research in developing strategies to combat global warming. The Delta College Learning Center will help NASA better disseminate the value of the Nation's space program to our young people. And it is only through means such as these that we will be able to help the next generation see the value in selecting careers in math and science.

The administration's proposal to rescind $7,700,000 in funding for the Urban History Initiative was not accepted because progress is being made in fulfilling the purposes for which these funds were appropriated. The cities of Perth Amboy, Trenton, and Paterson have been working cooperatively with the National Park Service to complete planning so that these projects can move forward expeditiously. These sites are all located on the National Register of Historic Places, and eligible for funding under the authorities of the Historic Sites Act of 1935. An architectural historian is working to develop the request for proposals to renovate buildings in the historic district of Paterson.

The committee did not agree to the administration's proposed rescission of $1,975,000 for the Native Hawaiian Culture and Arts Program as the program is assisting in the revitalization of cultural and artistic practices which were on the verge of extinction. The funds are to be used for three different components of the program: The living traditions program, the research development program, and the Native Hawaiian Renewable Resources Program. Through cooperative efforts throughout Hawaii, many native practices are being taught and disseminated to younger generations so that these traditions can be perpetuated. As part of the program, a comprehensive assessment of native research materials and references is being compiled. Authorization for this program was contained in the Higher Education Act of 1986.

As I stated earlier, each subcommittee carefully considered all of the President's requests and rejected some, such as those I have discussed in this statement, for very good reasons. Having done so, the committee initiated rescissions of its own, so that the total amount of rescissions in the pending measure exceeds the President's requests by $424,773,954.

I urge Senators to support the committee and to vote against the amendment of the Senator from Colorado, which would restore certain rescissions proposed by the President, which, as I have just stated, were considered and

rejected by the committee for the foregoing reasons.

Now, the distinguished Senator from Colorado [Mr. BROWN] made some remarks on the day that he introduced S. 2265, on February 26, 1992. He introduced S. 2265 on behalf of himself and Mr. SMITH. I read his remarks carefully and I asked the Appropriations Committee subcommittees to look at the statement and to prepare an explanation in response thereto.

So today I shall respond to the floor remarks of the distinguished Senator from Colorado [Mr. BROWN] on February 26, 1992, the day that he introduced S. 2265 on behalf of himself and Mr. SMITH of New Hampshire. Perhaps it will help to clarify some of the things that have been said by the able Senator.

I do not say this in a pejorative way. Sometimes we just have to take the time and look carefully at what is said and get the background, get the facts, and we find that things may appear to be a little different from what they are purported to be at a given moment by a Senator on this floor.

Senator BROWN's floor remarks on the day he introduced S. 2265, February 26, 1992—page 3583 in the CONGRESSIONAL RECORD—included the following statements:

Mr. President, common sense tells us Congress should at least review a project before it is funded. The bill I am introducing today, the Spending Priority Reform Act of 1992, identifies 642 projects totaling more than $1.5 billion from the fiscal year 1992 appropriations bills. All these projects failed to follow the budget process, yet Congress funded them. * * *

The projects included in this bill met at least three of the following seven criteria:

Spending appropriated by Congress was never the topic of a congressional hearing;

Spending was not authorized;

Spending was added in conference;

Spending was not awarded on a competitive basis;

Appropriations do not relate to the legislation which funds it or the agency which administers the project;

Appropriation earmarked in violation of established congressional procedure or the process prescribed by law; and

Appropriation was for projects of purely local interest, without national or regional importance.

The three criteria most often met were that the projects were not authorized, not subject to an authorization hearing, and not competitively awarded. This says something about the way Congress spends the taxpayers' money. It is time to curb the number of federally funded projects which receive funding although they do not follow the budget rules and procedures.

Madam President, I have examined each title of S. 2265, and I find that the claims made by the distinguished Senator from Colorado are just not accurate. First, the Senator's statement that "all these projects failed to follow the budget process * * *" is just not correct. The Senator did not specify what part of the budget process all of these projects failed to meet. Perhaps he would see fit to enlighten the Senate by providing more specificity as to what he meant. If the Senator meant that these projects failed to follow the budget process because they were not authorized, I disagree. In the first place, many of these projects were, in fact, authorized. I will lay in the RECORD, title by title, which of these projects were authorized and I will include the statutory authorization for them.

On this issue of "lack of authorization," as Senators are aware there are many programs each year which lack authorization, but for which funding must be provided. In fact, for fiscal year 1992, the following programs are among those that had no authorization. The President requested appropriations and the Congress responded, yet the Senator from Colorado does not include them in his proposed legislation. In the majority of the cases appropriations were required for the orderly functioning of the Government:

Salaries and expenses for the Department of the Treasury;

The Federal Law Enforcement Training Center;

The Bureau of Alcohol, Tobacco and Firearms;

The U.S. Mint;

The U.S. Secret Service;

Within the Internal Revenue Service: Administration and management, processing returns, tax law enforcement, and information systems;

Many offices within the Executive Office of the President—including the Executive Residence at the White House, Special Assistance to the President, the Council of Economic Advisors, and the Office of Management and Budget;

The National Archives;

The Federal Trade Commission;

The Federal Communications Commission;

The Securities and Exchange Commission;

The Minority Business Development Agency;

The U.S. Travel and Tourism Agency;

The Export Administration;

The International Trade Administration;

The Federal Bureau of Investigation;

The Drug Enforcement Agency;

Salaries and expenses for the U.S. attorneys; and

The Immigration and Naturalization Service.

Paragraph 7 of Senate Rule XVI requires that committee reports on general appropriations bills identify each committee amendment to the House bill "which proposes an item or appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session."

Appropriations Committee reports are required to comply with paragraph 7 of rule XVI. In so doing, committee reports on all 13 regular appropriation bills identify unauthorized appropriations. Members were then able to determine for themselves whether to offer amendments to modify or to strike such unauthorized items from each appropriation bill.

In addition, paragraph 12 of rule XXVI requires that committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include "(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee."

The point I am making is that the Senate Rules recognize that appropriations bills which come before the Senate may contain unauthorized items and may contain provisions which have the effect of repealing or modifying existing statutes. The committee reports accompanying these appropriations bills are required to set out such provision for Senators to see. All Senators had available to them, prior to Senate consideration, the committee reports on every fiscal year 1992 appropriation bill and had an opportunity to offer amendments to strike the items contained in S. 2265 during Senate debate on each bill.

An amendment was offered, for example, on the fiscal year 1992 Transportation appropriation bill by Senator SMITH, the distinguished Senator from New Hampshire, to strike the highway studies and demonstrations contained in the committee-reported bill and then redistribute the funds to the States by formula. His amendment was tabled by a vote of 84 yeas to 14 nays.

The proponents of S. 2265 could say—yes, we do have a chance to offer amendments during Senate debate on the Senate bill as reported by the Appropriations Committee, but when the bill comes out of conference, it often contains items which were not in the Senate-reported bill but were added in conference. To that argument, my response is that this is always the case on any legislation—not just appropriation bills. In conferences, the House insists on its positions and those issues in conference are worked out. Compromises are reached, and the House position prevails on some issues and the Senate position prevails on others. But, unlike conference agreements on most authorization bills, appropriation conference agreements almost always include amendments in disagreement which are taken up separately by the Senate and which, therefore, offer Sen-

ators an opportunity to offer amendments. Such amendments can be crafted to reach any item in the conference agreement.

Of the rescissions proposed in S. 2265, all except the DOD conference agreement were reported to the Senate with amendments in disagreement. Therefore, any Senator could have amended the conference agreements on Agriculture, Commerce/Justice/State, Energy and Water, Interior, Transportation, Treasury/Postal Service, and VA/HUD.

Contrary to the statements made by the distinguished Senator from Colorado [Mr. BROWN], the budget process was followed for the items contained in S. 2265. Senate Rules XVI and XXVI regarding lack of authorization or changes to authorizations were followed. Senators had available to them all of these projects and programs prior to Senate consideration of each of these appropriation bills and amendments could have been offered to all of these conference agreements, except defense, to strike any or all of these items.

Let us now look more closely at each of the titles of S. 2265.

Title I—Agriculture Appropriations. Pages 3 through 7 of S. 2265 list a large number of special research grants for which funds were provided in the conference agreement for fiscal year 1992. At the bottom of page 3, S. 2265 states that "the amounts listed in subsection (c) are set aside for special research grants provided by the Secretary of Agriculture under section 2(c) of the act of August 4, 1965 (7 U.S.C. 405i(c))." The top of page 4 of S. 2265 states that "the grants were (A) not authorized; (B) not awarded on a competitive basis and (C) not the subject of congressional committee or subcommittee hearings."

What I have just read is internally contradictory. The proposed legislation cites the authorizing statute in section 101(a)(1) and then in section 101(a)(2)(A) states that the programs are not authorized. To the contrary, these research grants are authorized—by the provisions of 7 U.S.C. 450i(c), which reads as follows:

(c) SPECIAL GRANTS.—(1) The Secretary of Agriculture is authorized to make grants, for periods not to exceed five years—

(A) to State agricultural experiment stations, all colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals for the purpose of conducting research to facilitate or expand promising breakthroughs in areas of the food and agricultural sciences of importance to the United States; and

(B) to State agricultural experiment stations, land-grant colleges and universities, research foundations established by land-grant colleges and universities, colleges and universities receiving funds under the Act of October 10, 1962 (16 U.S.C. 582a et seq.) and accredited schools or colleges of veterinary medicine for the purpose of facilitating or expanding ongoing State-Federal food and agricultural research programs that—

(i) promote excellence in research on a regional and national level;

(ii) promote the development of regional research centers;

(iii) promote the research partnership between the Department of Agriculture, colleges and universities, research foundations, and State agricultural experiment stations for regional research grants; and

(iv) facilitate coordination and cooperation of research among States through regional research grants.

Furthermore, there is no requirement in the authorization statute that these special research grants be awarded on a competitive basis. Section 450i(b) authorizes competitive grants but subsection (c), which authorizes special grants contains no such requirement.

Finally, the amendment which appropriated the funds for all of these special research grants came out of conference as an amendment in disagreement. It was there for all to see; it was available for any Senator to move to strike any or all of these projects. Where was the Senator from Colorado when the Agriculture conference agreement was taken up and passed by the Senate? Why didn't he move to strike these projects at that time?

Title II—Commerce/Justice Appropriation—Subtitle A. This subtitle contains rescissions of two items under the heading "State and Local Law Enforcement Assistance Grants." One item is a $500,000 one-time grant to the National College of District Attorneys which will allow them to move into a permanent facility with the latest technology.

The other item in subtitle A of title II is a $700,000 rescission of an appropriation for a grant to SEARCH Group, Inc. for continued support to State and local criminal justice agencies to improve their use of computers and information technology.

The first item, namely the $500,000 appropriation for the National College of District Attorneys, came out of conference as an amendment in disagreement. Therefore, any Senator could have moved to strike this appropriation. The SEARCH grant was contained in the Senate committee-reported bill and was subject to amendment.

Subtitle B—Department of Commerce Appropriations. Pages 9 to 19 of S. 2265 contain a list of rescissions for various projects for which appropriations were provided to NOAA, to the National Ocean Service, the National Marine Fisheries Service, for oceanic and atmospheric research, and so forth. Without going over each item in this list, it should be noted that all items were reported out of conference as amendments in disagreement and, therefore, were subject to further amendment during Senate consideration of the conference agreement.

It is interesting to note that the distinguished Senator from Colorado [Mr. BROWN] did not include in his list of NOAA rescissions the $600,000 unbudgeted earmark which is set forth on page 43 of the Statement of Managers for the support of the NOAA "PROFS" weather research and development laboratory in Boulder, CO.

Similarly, the conference agreement contained a $3.4 million add on for the NOAA wind profiler radar network. This program is managed in Boulder, CO. That item is also listed on page 43 of the Statement of Managers.

Both of these unbudgeted increases which go to Colorado are set forth in the Statement of Managers on the same page as are the items that S. 2265 would rescind. Yet, these two items which benefit Colorado are not listed for rescission.

Subtitle C of title II of S. 2265 lists a number of rescissions of SBA grants, five of which first appeared in the Senate committee-reported bill. The others were included in conference at the insistence of House conferees. All of these items came out of conference as an amendment in disagreement and, therefore, were subject to amendment by any Senator.

Title III—Department of Defense Appropriations. Title III of S. 2265 contains rescissions of items which were funded in the fiscal year 1992 Department of Defense Appropriation Act. Since the DOD conference agreement included no amendments in disagreement, Senators had no opportunity to strike these items. The Senate did, however, debate at some length these same items during the debate on the adoption of the conference report, which ultimately passed by a vote of 66 to 29. So the Senate, in fact, worked its will on the Department of Defense conference report after having fully debated the issues.

Title IV—Energy and Water Development Appropriations. Title IV of S. 2265 lists a number of rescissions of appropriations funded by the fiscal year 1992 Energy and Water Development Appropriation Act. A number of these projects were, in fact, authorized and all of them came out of conference in a form that allowed any Senator to offer an amendment to strike them.

Title V—Interior and Related Agencies Appropriations. Title V of S. 2265 lists rescissions of projects and activities funded in the fiscal year 1992 Interior and Related Agencies Appropriation Act.

Section 501(a) reads as follows:

FINDINGS.—Congress finds that—

(1) the amounts listed in subsection (c) are set aside for projects for operation of, and construction in, the National Park system; and

(2) the projects were—

(A) not authorized;

(B) not awarded on a competitive basis;

(C) not the subject of congressional committee or subcommittee authorization hearings; * * *.

Contrary to the language just read, the projects identified in section

501(c)(1) as items (A) through (K) are for technical and cooperative assistance to various organizations throughout the country. The National Park Service is generally authorized to provide technical assistance to non-Federal entities for the purposes of enhancing historic preservation, recreation, tourism, and other matters. Consequently these specific studies are not required to be authorized. Much of this work is done cooperatively by the Park Service in conjunction with local sponsors.

In addition, items A, E, M, N, O, Q, R, S, T, U, V, and W are all either on the National Register or are included in a historic district. That being the case, they are authorized by the Historic Sites, Buildings, and Antiquities Act of 1935. Section 2(f) of that act authorizes the Secretary of the Interior to "* * * restore, rehabilitate, preserve, and maintain historic or prehistoric sites, buildings, objects, and properties of national historical or archaeological significance," and where deemed desirable, establish and maintain museums in connection therewith.

With respect to the Fish and Wildlife Service projects identified in section 502, similar criticisms as used against the section 501 projects are levied. Namely, that the projects were not authorized, awarded on a competitive basis, the subject of hearings, or were first added in conference. The authorization for the FWS is rather broad, and construction of facilities, which is what all four projects in section 502 involve, is authorized "* * * for facilities required in the conservation, management, investigation, protection and utilization of sport fishery and wildlife resources * * *." The National Wetlands Center funds are to equip a newly constructed replacement FWS building—funded in prior appropriation acts—and conduct the move into the building.

Section 503 proposes to rescind funding earmarked for three different programs—one in Vermont for $100,000, one in Idaho for $90,000, and one in West Virginia for $150,000. All three earmarks are associated with the Forest Service's fulfillment of its statutory responsibilities under the National Forest Management Act, the Multiple Use Act, and the National Environmental Policy Act. Specific authorization is not needed on a study-by-study, or program-by-program basis.

The fiscal year 1992 Interior conference came to the Senate with 97 amendments in disagreement, any 1 of which could have been amended by any Senator to strike items or to modify the conference agreement.

Title VI—Transportation Appropriations. Title VI of S. 2265 contains rescissions of funds provided in the fiscal year 1992 Transportation Act. It should be pointed out that all of the Senate highway projects which S. 2265 would rescind were included in the Senate committee-reported bill and report, and, therefore, were subject to floor amendments to strike them. In fact, as I stated earlier, Senator SMITH of New Hampshire offered an amendment to strike the funding for all highway demonstrations and studies and redistribute those funds to the States by formula. His amendment was tabled by a vote of 84 yeas to 14 nays.

Title VII—Treasury/Postal Service Appropriations. Title VII of S. 2265 contains rescissions of funds provided by the fiscal year 1992 Treasury/Postal Service Appropriation Act. All of these items identified in title VII came back outside the conference report as one entire amendment in disagreement on GSA building projects and could have been further amended by any Member on the Senate floor. In addition, amendment No. 81, which also came back in disagreement, subject to amendment, contained legislative language exempting all of these projects from the prospectus approval process which is currently done by the authorizing committees. Therefore, an argument could be made that the bill funded and authorized these projects at the same time and that any Senator could have amended these provisions when the conference report was considered by the Senate.

Title VIII—VA/HUD and Independent Agencies Appropriations. Title VIII of S. 2265 proposes rescissions of items funded by the fiscal year 1992 VA/HUD and Independent Agencies Appropriation Act. Of these items, 127 are rescissions of appropriations for assisted housing. All of these items were set forth in the Statement of Managers and were incorporated by reference into the fiscal year 1992 VA/HUD Appropriations Act—Public Law 102-139. This was done by amendment No. 35, which was reported out of conference as an amendment in disagreement. This made it possible for the distinguished Senator from Colorado or for any other Senator to propose the elimination of these projects.

In closing, Madam President, I urge the Senator from Colorado [Mr. BROWN] to use a little more care in his preparation of rescission bills such as this one. To state that these programs and projects were not authorized is for the most part not accurate; to state that the budget process was not followed is not accurate; and as I have pointed out, the Senator from Colorado had ample opportunity to offer amendments to all of these conference agreements—except defense—to strike these items. I, therefore, urge my colleagues to see this measure for what it is—another opportunity for its proponents to demagog and to indulge in more self-flagellation. It is not a serious proposal and it deserves to be defeated.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. BYRD. Madam President, this Senator is ready to vote.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. SMITH. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The clerk will call the roll.

Mr. FORD. I announce that the Senator from California [Mr. CRANSTON] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Delaware [Mr. ROTH] is necessarily absent.

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

The result was announced, yeas 43, nays 55, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—43

Bingaman	Gramm	Nickles
Bond	Hatch	Nunn
Brown	Heflin	Pressler
Bryan	Helms	Reid
Bumpers	Jeffords	Rudman
Burns	Kassebaum	Seymour
Coats	Kasten	Simpson
Craig	Kohl	Smith
Danforth	Lott	Specter
Dole	Lugar	Symms
Domenici	Mack	Thurmond
Durenberger	McCain	Wallop
Garn	McConnell	Warner
Glenn	Metzenbaum	
Gorton	Murkowski	

NAYS—55

Adams	Exon	Mitchell
Akaka	Ford	Moynihan
Baucus	Fowler	Packwood
Bentsen	Gore	Pell
Biden	Graham	Pryor
Boren	Grassley	Riegle
Bradley	Harkin	Robb
Breaux	Hatfield	Rockefeller
Burdick	Hollings	Sanford
Byrd	Inouye	Sarbanes
Chafee	Johnston	Sasser
Cochran	Kennedy	Shelby
Cohen	Kerrey	Simon
Conrad	Kerry	Stevens
D'Amato	Lautenberg	Wellstone
Daschle	Leahy	Wirth
DeConcini	Levin	Wofford
Dixon	Lieberman	
Dodd	Mikulski	

NOT VOTING—2

Cranston	Roth

So the amendment (No. 1793) was rejected.

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. I ask unanimous consent that upon disposition of S.

2403, the rescission bill, that the Senate then proceed to the consideration of Calendar No. 380, S. 652, the Telephone Privacy Act.

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

Mr. BYRD. Madam President, I am prepared to yield back my time, not on the bill. I ask unanimous consent that the Senate may now proceed to the vote on the substitute in the second degree, and on the substitute in the first degree, and I hope that Senators will allow us to do this by voice vote. This will leave before the Senate the committee substitute.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 1790.

The amendment (No. 1790) was agreed to.

Mr. BYRD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 1789, as amended.

The amendment (No. 1789) was agreed to.

Mr. BYRD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Madam President, it is my understanding that no other Senators wish to offer any amendments on either side. That being the case, I ask unanimous consent that no other amendments be in order, and this will leave only the committee substitute, and the bill as amended by the committee substitute, if it is so amended.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate resume consideration of S. 2403 at 11:30 a.m. tomorrow; that there then be 2 hours of debate remaining on the bill at that time; and that the Senate vote on the committee substitute, as amended, at 1:30 p.m. tomorrow.

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

The text of the agreement is as follows:

Ordered, That on Wednesday, May 6, 1992, at 11:30 a.m., the Senate resume consideration of S. 2403, a bill to rescind certain budget authority proposed to be rescinded in special messages transmitted to the Congress by the President on March 20, 1992, and that there be 2 hours remaining on the bill at that time, to be equally divided and controlled by the Senator from West Virginia [Mr. BYRD] and the Senator from Oregon [Mr. HATFIELD].

Ordered further, That at 1:30 p.m. on Wednesday, May 6, 1992, the Senate proceed to vote on the committee substitute, as amended.

Ordered, That upon the receipt from the House of H.R. 4990, rescinding certain budget authority, all after the enacting clause of that bill be stricken and that the text of S. 2403, as amended, be inserted in lieu thereof; that H.R. 4990 be deemed to be read a third time and passed; that the motion to reconsider the vote be tabled; and that the title be amended with the amendment reported to the title of S. 2403.

Ordered further, That the Senate insist on its amendments and request a conference with the House; that the Chair be authorized to appoint conferees on the part of the Senate; that S. 2403 be indefinitely postponed; that pending receipt of H.R. 4990, S. 2403 be returned to the Calendar; and that the above actions take place without intervening action or debate.

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

The PRESIDING OFFICER (Mr. WELLSTONE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I thank the distinguished majority leader and the distinguished Republican leader.

Am I correct in that the time on the committee substitute is controlled by the Senator from Oregon [Mr. HATFIELD] and myself?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein.

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

The Senator from Kentucky is recognized.

Mr. FORD. I thank the Chair.

(The remarks of Mr. FORD pertaining to the introduction of S. 2656 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

OFFICE OF THRIFT SUPERVISION NEW RULE ON INTERSTATE BRANCHING FOR FEDERAL SAVINGS ASSOCIATIONS

Mr. FORD. Mr. President, on Friday, the Conference of State Bank Supervisors and the Independent Bankers Association of America filed a lawsuit against the Office of Thrift Supervision challenging its new regulation to allow interested branching by Federal savings and loan institutions. A press conference was held yesterday to announce this action and to discuss the merits of the new regulation generally.

In my view, the OTS is out of line. They have initiated a major policy change by regulation, only after it became clear that it could not be obtained through legislation. The regulation ignores the interests of many small, well run thrifts across this country. It demonstrates a complete disregard by the OTS for the impact of its actions on other segments of the financial services industry. And even worse, it specifically preempts States' rights without any justification. I do not believe we have heard the last of this issue. I ask unanimous consent that a statement I circulated at yesterday's press conference be inserted in the RECORD.

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

STATEMENT OF SENATOR WENDELL FORD ON THE OTS INTERSTATE BRANCHING RULES, MAY 4, 1992

The abuse of power exercised by the Office of Thrift Supervision in promulgating its recent interstate branching rule provides a good example of what is wrong with our regulatory process today. At the same time this Administration is extending its moratorium on new regulations, it is moving ahead with major policy changes for which little rationale or explanation is provided. It is inevitable that any agency regulation that is this far out-of-bounds and so unsupported by any evidence or facts will be met with legislative, legal, and other forms of opposition.

The timing of this rule was political. It has been obvious from the day the proposed rule was first published—in the middle of the holidays, with only a 30 day comment period—that the OTS anticipated the reaction it would receive. It is also obvious that OTS knew if it had proposed the rule during the consideration of comprehensive banking legislation last year, its efforts certainly would have failed. As the author of the interstate banking and branching amendment which passed the Senate during that debate, if this OTS rule had been proposed at that time, I would have made sure that it was nullified as part of my amendment. The debate at that time was over what type of burden should be placed upon states in exercising their rights to regulate interstate branching. It concerned whether states should have to "opt out" or "opt in" to interstate branching.

However, the OTS rule goes way beyond any of the parameters of the Congressional debate. It tramples over states' rights entirely, specifically stating that all state law is preempted. This power grab by the OTS radically shifts the status quo.

You do not have to be an opponent of interstate branching to oppose this rule. I am not such an opponent. In fact, branching was permissible under the previous regulations, which I supported, so long as it respected state law. However, I also believe that the evidence about the pros and cons of this activity is still unclear. I have seen recent

studies which raise significant doubts about the benefits of interstate branching. They suggest that it may drain capital and resources from local communities, and that the largest financial institutions are not necessarily the most profitable. Branching must be analyzed closely for its impact on our insurance funds.

OTS has failed miserably to provide any evidence to counter these concerns. In explaining its rule, OTS simply makes mention of its theory that geographic diversity is beneficial, and makes a vague reference to unnamed "studies." OTS provides no facts or evidence from any study in support of its rule.

I believe states must be allowed to continue to operate as laboratories in experimenting with interstate branching. Each state must be allowed to assess risks and benefits for itself. It is primarily for this reason that I strongly oppose the OTS rule. It is a misguided proposal. Its timing was political. And its rationale is lacking.

Any federal savings association wishing to take advantage of the OTS rule surely knows it is taking a big risk. There will continue to be enormous costs and risks associated with any application to the OTS to branch without regard to existing state laws.

Mr. FORD. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

LOS ANGELES AND BEYOND

Mr. KERRY. Mr. President, history teaches us that great events—even world wars—grow out of small incidents. The beating of Rodney King, one lonely spring night a year ago, has set in motion a process of national reexamination that could, and I emphasize could, provide some important and long-overdue lessons for our country.

The fact that Rodney King could be beaten so brutally; that those who beat him could laugh about it afterward; and that a jury could end up basically blaming the victim provides a breathtaking demonstration of racism's continued hold on America today.

Unrebutted, the message in that beating and that verdict would doom social progress in this country. To understand that, all a white American has to do is to imagine the events with racial roles reversed. I would suspect that no one could suggest to anybody that if a black police group beat a white person and then laughed about it, and then they were found innocent by an all-black jury, that you would not see a tidal wave of resentment expressed, and perhaps it would be manifested differently, but it would have certainly matched in intensity what we witnessed in Los Angeles this past week.

It is said that understanding is the beginning of wisdom. And I think the fact that what happened to Rodney King could happen in America is no surprise to black Americans; and it is no surprise to those who understand the grim realities of our cities today. But for the increasing numbers of our citizens who have chosen or who have felt literally forced, out of concern for family, to seek protection from the risks of city life—it is an important reminder that complaints about racial discrimination reflect not the concerns of a so-called special interest, but rather, they reflect something that remains real and ugly and brutal about our country today.

The second lesson of this past week concerns our cities. The retreat from responsibility must end. Murder and mayhem are not acts of political protest, certainly; they are acts of desperation, opportunism, and simple greed. But just as no police officer with pride in self or profession would have done what those L.A. police did to Rodney King, so no citizen with a real stake in his or her community would have participated in the riots and looting in Los Angeles that followed the verdict. For the past quarter century, we have seen developing in the heart of our cities a lethal spider web of poverty, drugs, crime, dependence, and despair.

Last week we learned, as we should have long before last week, that if we do not begin soon to disentangle this web, then the day will come when it ensnares us all.

I think we have to understand today that this is not a question of a few people in the city. It is not a question simply of minorities, people of color. It is a question that affects us all.

If you look at the projected American work force in the year 2000, it is very clear that the future of our productivity and competitiveness will depend on women, on immigrants, and on minorities far more than in the past. And unless we recognize the need to bring those people into the mainstream of America, we will be diminishing the opportunity to upgrade the well-being of the rest of the people of this country.

Now, from comments made yesterday, it appears that President Bush has decided that the blame for America's urban problems today rests primarily with Lyndon Johnson. I truly hope that we are not going to go down that road. To suggest that programs like Head Start or the Job Corps that were created to deal with urban problems and were slashed by this President's predecessor are somehow responsible for today's problems is absolute nonsense.

Mr. President, all you have to do is look at the statistics of what has happened in the late 1960's and 1970's. Now, I am not one who stands up to defend all of what happened in those years. If we do not have the courage to admit that there were excesses in that era, in and outside of Government, then we have a problem, too. But to suggest that the very programs that endeavored to help people somehow are responsible for the neglect of today is the worst kind of political opportunism and reversal. It is a craven kind of statement.

The fact is that we were making enormous progress. During the period of time when we had a commitment to the cities, between the start of the Kennedy administration and 1973, we cut the poverty rate in this country in half. Then we stopped. And the very people who never supported any of those programs and always wanted them dismantled are now trying to shift the blame, suggesting that the programs they hated are responsible for the negligence and the results of the negligence that came out of the cutting of those very programs in the first place. That is a catch-22. It is an Orwellian notion of the worst order and it is contrary to all the facts.

To suggest moreover, as I suspect the President means to do, that welfare is primarily responsible for the crisis in our cities is to trivialize something that is profoundly important and to politicize something in a very dangerous way, given what happened in the past days of Los Angeles.

We saw Willie Horton in the past. We may now see what I think PAT MOYNIHAN has referred to as Willie Welfare suddenly emerging as the political issue or demon of the 1990's, and the result of that will be to further inflame and engulf our cities rather than to lead them out of this morass.

Mr. President, we have been playing the blame game in America long enough. We have seen too many of our fellow citizens die, we have seen too many children suffer; we have seen the guts ripped out of too many of our neighborhoods to keep up the simplistic charade that all of our problems are the result either of Government spending on the one hand or of Government negligence on the other.

The people I know who have truly studied the cities and who truly care about them understand that if anything is clear it is that the growth of urban despair has not one but many roots: Racism; the loss of industrial jobs; a declining sense of personal responsibility; the broadening availability and affordability of drugs; a weakening of spiritual and family values; the upside-down budget priorities of the past dozen years—all have played a part, all have built one upon the other, and they have left us where we are today—sliding downward with one last chance to climb back out before we tumble into the abyss.

The question we face today, Mr. President, is which direction will we choose to go in the future not which direction we will choose to point in blame for past mistakes.

In making that future choice we should remember first how badly the riots of the 1960's divided us, some saying that it proved the need for law and order and others that it proved the

need for social justice. Well I think we ought to acknowledge today that law and order without social justice is not worthy of America and that social justice without law and order is not possible in America. We need both and we must have both.

We must also understand that the problems of our cities are all of our responsibility—not just the police, not just the mayors, not just the leaders of the minority communities. These are not problems or responsibilities that can be escaped by suburban fences or locks or metal detectors or private schools.

We must care—truly care—about children other than our own. We must rise above the racial chauvinists on all sides and understand that what happens in the inner city is not of concern to a single race or group—it is the urgent business of us all. We must reach out to the heroes who have never stopped struggling within the cities to provide hope and meaning and opportunity. We must reach out to the heroes without whom the events of the past week around the country could have been and would have been an awful lot worse.

There is much about our urban crisis and much about the crisis of values in our society that Government alone cannot cure. Life has never been as simple as that. But, Mr. President, that is not a sufficient rationale for Government paralysis.

The instant partial rehabilitation of the Secretary for Housing and Urban Development, Jack Kemp, is a sign that even the administration has come to understand this. For a dozen years, we have had little urban policy other than neglect; little jobs policy other than laissez-faire; little crime policy other than politics; little education policy other than empty symbols; and little social policy other than further separating the wealthy few from the struggling many.

This is the year and this is the time when we have to choose. We have to move forward from here. We have to learn the right lessons from the tragedies that we have witnessed. We are too proud a Nation to continue turning to the world a face that reveals the bludgeoned features of Rodney King or the fears of Korean shop owners peering from behind shotguns or the terrible bruises of a truck driver simply caught in the wrong place at the wrong time. We have to begin, not after the next election, but now, Mr. President, to rebuild the social fabric of this Nation; and to restore meaning to the promise of equal opportunity; to provide hope in the inner city; and to see that good jobs are available for those who have the desire and the discipline to fill them; and to bring back to America its sense of common purpose and shared pride.

I have no doubt that can be done. But after the past week, I pray more urgently than ever that we are going to work to get it done and that this body will recognize its own responsibility to contribute to that goal.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. ADAMS. Mr. President, I thank my colleague from Massachusetts for a most eloquent statement. My purpose, really, is to fill in a sense of the history that occurred from 1964 to this date. A number of us were there at that time and remember. We think it is absolutely outrageous to blame the poverty programs of the 1960's for what happened in Los Angeles.

I was a U.S. attorney under Bob Kennedy from 1962 through 1964, a time when we worked to see that black students had an opportunity to go to college, and when teams were sent into the South to make sure people could vote. There was action. There was hope. Our Nation was far behind where we are now. We have moved many miles from there, but we have many miles to go.

I was also Secretary of Transportation under President Carter before the Reagan administration sent this country into the darkness of no help for those who have little. During those early years we were trying programs in Watts, for example, where, instead of demolishing the houses that were being removed from the Century Freeway, we took those houses off the Century Freeway and put them on empty lots in Watts. People then had an opportunity to have houses.

No, all these programs did not work. But too many of us who were in Congress from 1965 through 1975 remember watching children with no teeth get off the bus from neighborhoods in the middle of our cities. These children had never had a toothbrush. The Bush administration obviously had no idea what Head Start or health programs meant to these children. They had no idea of why it was that we passed the poverty programs.

We made a lot of progress when a lot of these programs were cut off because of Vietnam war efforts, and then later when darkness fell with the beginning of the Reagan-Bush administrations which did not and do not believe in these programs. Maybe some mistakes were made in those poverty programs, but our attempt was to combine social justice with social responsibility and to prevent violence.

Rodney King said it very well. I hoped the President of the United States would start his speech by saying, "We are all in this together. We are all in this together, and we must help one another."

But it was the man who was beaten saying this. You do not start from law and order. Law and order is the result you have to apply when your program, your abilities to provide social justice and strengthen neighbors have failed.

It is the end result. And it is failing throughout this whole country. I speak now from living in these dark days, being in the U.S. Senate and chairman of the D.C. Appropriations Subcommittee. Of the time when we put money to fight drugs into the District of Columbia, and into the areas suggested by the administration. We appropriated money for 1,000 new policemen, for new prosecutors in the prosecutor's office, and a new jail. A new set of appellate judges were available. We made available the tools of law and order. And sadly that may be necessary—after you already have lost the war by giving assault weapons to children, weapons to children on these streets; by cutting funds for drug treatment programs; by removing research which allowed you to determine whether or not you were getting any results from these programs.

There has been a great shift in this country from what happened in the 1960's to now. The 1960's did not create what happened with Rodney King nor the violence in Los Angeles. These tragedies were created by an innate sense of social justice going awry.

Whoever changed the venue of that jury, changed it so that the jury of peers was a jury of people who had never seen an inner city or had any idea of what an inner city was like. To a suburban jury it was like moving from one world to another. The change of venue was an insensitivity of incredible proportions.

Those of us who have lived through this are outraged. We are outraged by people blaming those of us who tried in the 1960's and the 1970's to create a poverty program that gave people hope to have a home; hope to get a job; an opportunity for treatment programs to work; and mothers with enough so their children could be fed and their babies would not die.

The administration cut all of those programs, starting in the 1980's. But, those of us who lived through that period and have now lived through this more recent dark period, are willing to reach out. There may be new ideas. All of ours did not work, but did cut poverty in half. And now poverty has come back again full force under neglect.

If there is a new way and there is a better way, certainly this Senator, who was a Congressman and was a Cabinet official is willing to reach the hand out to do it.

Many successful things have happened as a result of the social reforms of the sixties and seventies. Remember, out of that we have helped create a magnificent middle class of black, Hispanic, Latino—all types of people in this multicultural country. Not enough—not enough—but a start; a movement that went around, but was stopped.

We have to put that back together. The private sector is involved, but so is

the Government and so are the individual citizens. This is a great-hearted and a good-hearted country. But we lived through social unrest once before, Mr. President—on 14th street in the District of Columbia—just what you saw in the riots that took place. And the poverty programs of the sixties and seventies were a direct response to those earlier hard times.

And sadly, we have still not completed those programs. We did not ever finish and follow through what we started. We are very good in this country at doing certain things. But one of the things we do not seem to be very good at is taking care of our people who need real help. Too often, the people running the Government do not understand what kinds of help are really needed and do not understand there is a difference between people who have struggled and have no hope and those who have struggled and have great hopes and great expectations.

I really did not expect to make a speech on this subject at all, Mr. President, because there is too much pain involved—memory of the assassinations that took place, the hurt, the programs that did not work, the small successes that we had. But I was simply outraged, I was outraged that someone in a position in our Government could say that programs directed to helping people out of poverty had caused these recent incidences of violence. That is simply a rewriting of history. If we had finished and followed through with the programs we started rather than stopping them, maybe—just maybe—we could have prevented what happened. To a great extent we did lessen some of it.

I just hope that we do not turn our backs on a great portion of our population.

We are the first multicultural society to attempt to govern itself really in the history of the world. You can say the Romans had such a society, but theirs was based on slavery. Ours has been based on the consent of the ballot. All I ask is that those who govern today—those in all branches of government understand and reach out to others who may not have been as fortunate in the life that they have had to live. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

A TRIBUTE TO FORMER SENATOR GEORGE L. MURPHY

Mr. COCHRAN. Mr. President, I think Senators noticed today an article in the Washington Post telling us the bad news that former U.S. Senator from California, George L. Murphy, had passed away this past Sunday.

Senator Murphy was a person who really loved the U.S. Senate. He was elected to the Senate in 1964 on his first try to public office. He served with great distinction during his 6 years in the Senate. In 1966, he was selected to be the chairman of the National Republican Senatorial Committee, and in that year, he raised over $2 million to help finance the campaigns for Republican Senators and challengers, at that time quite a bit of money.

He often wore the gold replica on his watch chain of the Oscar that he won in 1950 from the Motion Picture Academy. The Academy Award was given to George Murphy for interpreting the movie industry correctly to the American public.

He was a person who was totally enjoyable to be with. He came by the Senate from time to time after he had left service in the Senate. We will all miss him. George Murphy was a wonderful man and was an inspiration to many.

I ask unanimous consent, Mr. President, that a copy of the Washington Post article be printed in the RECORD.

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

[From the Washington Post, May 5, 1992]

GEORGE L. MURPHY, 89, DIES; FORMER U.S. SENATOR, ACTOR

(By Bart Barnes)

George L. Murphy, 89, a former nightclub dancer and state and screen actor who served as a Republican senator from California from 1965 to 1971, died of leukemia May 3 at his home in Palm Beach, Fla.

Mr. Murphy's acting career included five Broadway plays and 55 motion pictures, but he retired from acting in 1952 to specialize in public relations for the motion picture industry. In 1950 he received a special Academy Award for "interpreting the motion picture industry correctly to the public at large."

In politics he was known as a skilled and tireless fund-raiser, and he served in 1966 as chairman of the Republican Senatorial Campaign Committee, raising $2.25 million for the party, a considerable sum for that period. He was chairman of entertainment for the 1953 and 1957 inaugurations of Dwight D. Eisenhower and served as program chairman for the 1956 and 1960 Republican national conventions.

Attractive, well-tailored and gracious, Mr. Murphy fit the stereotypical image of a senator. He appeared restrained and modest, and he spoke in a quiet voice, but he made his points forcefully. His formula for a political speech, he once said, was to scan the newspaper and make a few notes, then: "You point with pride and you view with alarm. You can say all sorts of things if you say them with a smile and you say them kindly."

Mr. Murphy won his Senate seat in his first bid for elective office in November 1964, defeating Democrat Pierre Salinger, the former press secretary to President Kennedy. Salinger had been appointed to fill out the term of Sen. Clair Engle (D-Calif.), who died July 30, 1964. In the 1970 election, Mr. Murphy lost his seat to Democrat John Tunney.

As a senator, Mr. Murphy served on the Labor and Public Welfare, Public Works and Armed Services committees. He argued for bigger defense budgets and worked on solutions to problems involving migrant farm labor for California's fruit and vegetable growers. He was author of a widely publicized and controversial amendment that would have given governors veto powers over activities of lawyers in the Office of Economic Opportunity's Legal Services Program. The amendment passed the Senate but never became law.

Mr. Murphy was born in New Haven, Conn., and he attended Yale University. While in college he worked summers in a coal mine in Portage, Pa., and he joined the United Mine Workers union. Later he was a messenger on Wall Street, and in the early 1920s he formed a dancing partnership with Juliette Henkel. They performed in cabarets on the nightclub circuit and at debutante parties. They were married in 1926. She died about 20 years ago.

In 1927 Mr. Murphy made his stage debut on Broadway in the musical comedy "Good News." Best known of his five plays was "Roberta," in which he starred with Bob Hope and Fred MacMurray. His movies included "This is the Army," with Ronald Reagan and Irving Berlin; "Little Miss Broadway," with Shirley Temple; "For Me and My Gal," with Judy Garland and Gene Kelly; and "Little Nelly Kelly."

Mr. Murphy was a founder and former president of the Screen Actors Guild, a vice president of Desilu Studios and later vice president of Technicolor Corp.

After his 1970 defeat for reelection to the Senate, Mr. Murphy was a business and political consultant in Washington. Taiwan was one of his clients. He also operated a speakers bureau for such well-known talent as Bob Hope and Gen. William C. Westmoreland, and he helped promote an organization called American Cause, a conservative-leaning answer to Common Cause. He moved to Florida about 10 years ago.

Mr. Murphy was a longtime supporter of the Boy Scouts and a recipient of the organization's highest adult award, the Silver Buffalo.

Survivors include his wife, the former Betty Blandi of Palm Beach, and two children from his first marriage, Dennis Murphy and Melissa Brown, both of California.

A TRIBUTE TO GEORGE COSSAR, SR.

Mr. COCHRAN. Mr. President, I would like to advise the Senate also of the unfortunate death in my State of Mississippi of George Payne Cossar, Sr. Mr. Cossar served for many years in the Mississippi House of Representatives. He was also president of the National Conference of State Legislative Leaders. He was widely recognized throughout the country as one of the preeminent legislators in the Nation. He was a very dear friend of mine. His sons, Bill Cossar, John Cossar, and George Cossar, Jr., all were classmates of mine at the University of Mississippi when I was there.

I ask unanimous consent, Mr. President, that copies of articles from the Jackson Clarion-Ledger and the Memphis Commercial Appeal describing his illustrious career be printed in the RECORD.

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

[From the Clarion-Ledger, May 2, 1992]

GEORGE COSSAR SR., FORMER LEGISLATOR

(By Tracyl Brooke)

CHARLESTON.—George Payne Cossar Sr., 84, who served in the Mississippi House of Representatives for 32 years, died Friday of cancer at Tallahatchie General Hospital

Services are 3 p.m. today at First Methodist Church with burial in Charleston Cemetery. Newsome Funeral Home is handling arrangements.

A powerful member of the House from 1944–1948 and 1952–1979, Mr. Cossar once said his greatest disappointment was in never being elected Speaker of the House.

A Webb native, Mr. Cossar was chairman of the Rules Committee for 27 years. He also served for 28 years on the Highway and Highway Financing Committee. He once said he wanted to be remembered for building highways in Tallahatchie County and for supporting state universities and colleges.

"I was 'Mr. Everything' with universities and colleges," Mr. Cossar once said. He fought for the state's institutions of higher learning in every session.

Mr. Cossar was a graduate of the University of Mississippi, the Ole Miss Law School and was a past president of the Ole Miss Alumni Association and the Alumni Association Hall of Fame.

"He loved education and higher learning," said his son, Bill Cossar of Jackson.

He also served 20 years on the State Building Commission.

In March 1979, Gov. Cliff Finch signed a bill renaming Yocoan Ridge State Park in Mr. Cossar's honor.

"Daddy was a statesman, it was his whole life," his son said.

"A politician thinks of the next election, but a statesman thinks of the next generation," was Mr. Cossar's motto said his son.

In 1970 he was elected president of the National Conference of Legislative Leaders. He served on the executive committee of the Southern Legislative Conference and the National Executive Committee of the Council of State Governments.

Mr. Cossar suffered two setbacks in his career when Gov. Bill Waller fired him from the State Building Commission and did not reappoint him to the Southern Regional Education Board.

"He always did what he thought was best for the state of Mississippi," his son said.

Mr. Cossar attended Charleston High School and worked as a lawyer there after graduating from law school.

Mr. Cossar served as president of the Charleston Rotary Club and as a district governor for Rotary International. He was also president of the State Bar Association.

A Mason and a Shriner, he held memberships in Sigma Nu fraternity, Omicron Delta Kappa honorary society and Phi Alpha Delta legal fraternity. He was a Cub Scout master for 20 years.

He was a member of First Methodist Church for 50 years and served on its board, as a Sunday school teacher and a church trustee. "There's never a day that goes by when someone doesn't ask about my Daddy," his son said.

Other survivors include: wife, Finney; sons, George P. Cossar Jr., of Charleston and John Cossar of Jackson; sister, Elizabeth Becker of Brookhaven; brother, Lee Cossar of Leland; and nine grandchildren and two great-grandchildren.

Memorials may be made to the First United Methodist Church or the University of Mississippi.

[From the Commercial Appeal, May 2, 1992]

EX-LAWMAKER COSSAR DIES

CHARLESTON, MS.—Former longtime state representative George Payne Cossar of Charleston died Thursday at Tallahatchie General Hospital in Charleston of Complications with cancer. He was 84.

Mr. Cossar, a farmer and lawyer, served 32 years in the Mississippi House. He retired in 1980.

From 1960 to 1980, he was chairman of the powerful House Rules Committee, serving in that role under three speakers of the House. He was a past president of the Mississippi State Bar and past president of the National Conference of State Legislative Leaders.

The Charleston native was a graduate of the University of Mississippi and the law school.

Services will be at 3 p.m. today at First United Methodist Church with burial in Charleston Cemetery. Newsom Funeral Home has charge.

Mr. Cossar, the husband of Elizabeth Finney Cossar, also leaves three sons, John Cossar and Bill Cossar, both of Jackson, and George Payne Cossar Jr. of Charleston; a sister, Elizabeth Becker of Brookhaven; a brother, Lee Cossar of Leland, nine grandchildren and two great-grandchildren.

THE WEST RIVER REGIONAL MEDICAL CENTER IN HETTINGER, ND—A RURAL HOSPITAL SUCCESS STORY

Mr. CONRAD. Mr. President, I would like to draw the attention of the Senate to an article in the April 13, 1992, edition of the American Medical News, entitled "Staying Afloat, How Two Rural Hospitals Are Succeeding in Tough Times."

Rural Americans are confronting difficulties and challenges beyond the problems others encounter in our country's health care system. Rural America is home to a disproportionately large segment of older citizens who require greater care for their illnesses and disabilities. In addition, several million rural Americans face the increased occupational risks of farming. Yet, access to health care is becoming a greater obstacle due to a lack of health care professionals and the steady decline in the number of hospitals serving rural regions. Between 1980 and 1990, 330 rural hospitals closed their doors.

However, while other rural hospitals have closed, the West River Regional Medical Center in Hettinger, ND, has grown and turned a profit. West River has done this by emphasizing community-based health care services, maintaining flexibility in its operations and utilizing sound basic fiscal and organizational management practices.

West River is a six-clinic satellite system operating in rural and frontier southwestern North Dakota, providing a full range of medical services. Developed in the early 1960's, it serves approximately 30,000 people in an 18,000-square-mile area. West River has successfully changed with the times by accounting for area needs and being responsive to the population it serves, and because of the commitment of its health care professionals including physicians, physician's assistants, nurses, laboratory technicians, and administrators.

The emphasis on overhead cost reduction and efficiency in operations has yielded West River an average profit of 5 percent from operations over the past several years, providing capital for prudent investments in new technology and expansions. West River is meeting the challenge of bringing talented health care professionals to rural North Dakota through cooperation with the State's medical school and active physician recruiting supported by an outstanding foundation.

With the structure, emphasis on community, excellent personnel, and attention to efficiency, West River Regional Medical Center can serve as a model rural health facility.

I ask unanimous consent that the article from the April 13, 1992, issue of the American Medical News, "Staying Afloat," be included in the RECORD.

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

[From the American Medical News, Apr. 13, 1992]

STAYING AFLOAT—HOW TWO RURAL HOSPITALS ARE SUCCEEDING IN TOUGH TIMES

(By Deborah S. Pinkney)

It's been rough going of late for the nation's rural and small hospitals.

One in seven rural hospitals operating a decade ago is now closed, says the American Hospital Assn. About 250 went out of business in the 1980s, two-thirds of them shutting their doors in the last four years of the decade.

That troubling trend is spilling into the 1990s. While 1991 figures are not yet available, 28 more rural hospitals closed during 1990.

But sweet success can be found even in tough times. Some rural and small hospitals are successfully wading the troubled waters. Some actually are thriving in them.

Small and rural hospitals that do well look inward, determining what they do best and building on those strengths before trying to tackle external pressures, says Harold Brown, chairman of the National Rural Health Assn.'s hospital section.

"Traditionally, rural people are conservative. They are less responsive to change. They want things to stay as they are," Brown said. "But if you don't move, you stay in the same place. And if you stay in the same place, it's going to be your demise."

He cited examples of winning strategies from a recent AHA report on rural hospitals, Environmental Assessment of Rural Hospitals, 1992:

An Arkansas hospital transformed a $1.2 million loss into a $1.1 million gain in only a year by focusing on internal staff problems, such as turf battles, poor communication and low morale. A Mississippi medical center became a regional referral center by establishing collaborative agreements with neighboring facilities. And a 48-bed Washington state hospital bolstered its professional staff and tightened its relationship with the community's only physician group practice.

But a difficult future remains for most rural and small hospitals. Here's what they're up against:

Dwindling population. The 1990 census showed less than one in four people living in a rural area, a record low.

Shrinking agricultural and manufacturing base. From 1980 to 1989, the number of U.S. farms dropped from 2.5 million to 2.2 million, and more than 500,000 low wage, labor-intensive manufacturing jobs left rural areas.

A rising proportion of under- and uninsured, and a higher concentration of elderly, unemployed and poor people than in cities and suburbs. Thirteen percent of rural residents are elderly, compared with 11% of urban residents; and 16% live below the federal poverty line, compared with 13%.

A worsening shortage of physicians and allied professionals. In 1988, there were no primary care physicians in 176 rural counties, no pediatricians in 1,488 and no obstetrician-gynecologists in 1,473.

Falling inpatient utilization. From 1980 to 1990, rural admissions dropped 37%.

A widening technological gap and skyrocketing liability insurance rates add to the pressure. Rural hospitals also are more reliant on Medicare admissions—40%, compared with 33% for urbans.

A 1990 General Accounting Office study found that hospitals with under 50 beds were 12 times as likely to close as hospitals with 200 or more.

EXPERTS SAY ADAPT OR PERISH

But outside pressures are not totally to blame. Experts say rural hospitals exacerbate many of their problems.

"Very few of these institutions have grappled with the challenge of adapting to the changing environment in which they were trying to operate," said Roger A. Rosenblatt, MD, MPH, in a special issue of The Journal of Rural Health on rural hospitals. "And almost none has developed an approach to long-range planning of any kind.

Dr. Rosenblatt, vice chairman of the Dept. of Family Medicine at the University of Washington School of Medicine, says hospital boards, for example, have "ranged from uninvolved to misinformed to incompetent, and community input was often rare except when an individual used the facility or was called upon to vote on a levy."

Confronted with possible closure, many hospitals have chosen to downsize, diversify, convert, consolidate, merge or form alliances with other institutions. Others have left acute care for other kinds of health services.

"There are places and situations where limiting acute-care services and adopting an alternative delivery model makes sense," says Robert T. Van Hook, executive director of the National Rural Health Assn.

"There are [also] many strong, viable rural hospitals, and others that can become viable through a process of adaption and diversification."

That's certainly true in the case of Upper Valley Medical Centers in Troy, Ohio, and West River Regional Medical Center in Hettinger, N.D. Their strategies show how some rural hospitals are pushing to reinvent themselves.

CEO TARGETS CREATIVITY, RISK-TAKING

Charles H. Bair has an MBA and a finance degree, and he has spent 25 years turning around troubled hospitals. Now, as president and CEO of Upper Valley Medical Centers, he says creativity and risk-taking are key to transforming a losing venture.

Upper Valley has made $150 million in gross revenue from new services in the last five years, consistently exceeding its target. "Now, we're trying to develop $6 million in new business each year," Bair said.

To do that has required big changes. The biggest was the consolidation six years ago of three acute-care hospitals, each with about 125 beds.

The combined system, based about 30 miles outside Dayton, acquired four long-term-care facilities and developed 16 satellite facilities. Total beds have gone from about 150 to just under 1,000, including long-term, transitional and other.

Upper Valley's strategy has been aggressive niche marketing—identifying unmet health needs and developing services to fill them and generate new income. New services have generated about one-third of the center's revenue since the merger, says Anne B. Doll, vice president for marketing.

Gross revenue has gone from under $52 million in 1985 to $142 million in 1991; net, from less than $3 million to 6.5 million.

Upper Valley used consolidation, conversion and the kind of diversification usually identified with much larger hospitals to expand and profit.

Most of the new programs come from employee ideas; the best are selected for feasibility studies. Some 2,000 ideas are generated yearly, with 10 to 15 seen as "sterling."

"We try not to have anyone surprised," Bair said. "We want the new programs to be understood, embraced and supported" by the various constituencies.

But some among the medical staff have expressed reservations about their CEO's bottom-line approach.

"Clearly, there is a line you cross—when you are too concerned about the bottom line," said Mark Peters, MD, one of the center's three chiefs of staff. "And we may well get to that point. There is some concern that all programs be medically indicated, and not just a way to make money."

Still, physicians credit Bair for turning Upper Valley around, he said.

"Charlie sometimes gets criticized for being too bottom-line, business-directed. But at the same time, even his critics would admit that that's why this system has kept growing and why it's doing better than hospitals in the surrounding area."

Bair's vision of providing "layers of care" was first applied in substance abuse. Payers were increasingly concerned about length of stay, so the center developed a 15-day program, later converting it to variable length.

"We custom-built the program to the patients, rather than taking a rigid approach," Bair said.

The program was divided by gender, and later by age, when an adolescent program was created. Several outpatient centers also were placed closer to population centers to respond to payer desire for more accessible services.

The final refinement was developing a transitional-care unit—a dormitory-like setting for patients who have found jobs.

Bair is considering a regional center for pregnant substance abusers. It will provide education for older children; pediatric rehabilitation for newborns; and ob-gyn services, plus job training, for mothers. A goal is to eventually hire some of the women to fill jobs where there are persistent shortages.

The same concept of layered care is being applied to long-term care and services for coma patients.

"One of the very important concepts here is that the speciality services provide the additional revenues to keep the system viable," Doll said. "We're not getting out of the acute-care business."

Bair says his role is "to create the environment for generating new ideas and to keep them moving through the system."

"It take a certain type of board environment to be able to support this environment. This particular board is a wealth of self-made businessmen who are used to accepting risk. We're much more likely to gain acceptance of a solid idea from this board than from some other."

BUILDING FROM THE INSIDE OUT

Jim Long believes every community has the right to determine its own health care needs. He says his role, as CEO of West River Regional Medical Center in Hettinger, N.D., is to meet those needs in a fiscally prudent way.

"I don't want to sit here and make any other community's decision for them about what they need. That's their responsibility," he says. "I think the government's responsibility is to pay fairly so that they all have the equal tools for making the decision."

The problem, he concedes, is that the government doesn't do that. West River officials have long felt that they were on their own in terms of reimbursement and federal aid.

"We got aggressive," said Long, speaking of changes begun in 1983. "We knew it was going to get difficult in the future. Everyone could see it coming. We had to build some strength and get ready to take on the future."

What West River decided to do was build on relationships with area doctors, communities and the state's only medical school.

The hospital began repositioning itself. Bonds were refinanced and charges made more competitive. A CT scanner and other technology were added. Health care professionals were aggressively recruited.

Last year, to cut overhead and boost efficiency, the 46-bed hospital was merged into the six-clinic satellite system. The main campus now serves as the hub. Physicians travel at least two days a week to staff the clinics.

Long notes that there are huge coverage gaps in West River's 18,000-square-mile catchment area. There's a 150-mile gap directly to the east, he said. The area is so remote it is defined as frontier or wilderness.

Local physicians like family physician Gerald Sailer, MD, have been central to West River's efforts to expand its reach in troubled times. Dr. Sailer has been associated with West River since the early 1960s, when he began his practice in Hettinger, population 1,600.

Then, the hospital had 28 beds, virtually no technology and only one other doctor. There were no licensed lab technicians, and surgery had never been performed there. Serious cases and diagnostic work were handled in Bismarck, a three-hour drive away.

"We believed rural people deserved the same quality of care as urban people, and we recognized that we couldn't do that unless we had volume," Dr. Sailer said. "Without volume, we couldn't afford the staff and the technology needed for quality care."

But he added: "We have always been cognizant of the things we do well and those things that are beyond our capacity. The cases that are beyond our capacity we've been careful to refer to those who do it best."

He said the center uses personal networking and builds on relationships with physicians across southwest North Dakota, northwest South Dakota and eastern Montana.

"We've had better luck probably than in any other place in the state of North Dakota in recruiting rural doctors," said Robert E. Grossman, MD, head of the physician group practice.

"We work at it seven days a week. We had a spell of about five years when we didn't recruit a single doctor, and all of us were getting down in the mouth. Now we are at two or three a year."

Roger W. Schauer, MD, an associate professor at the University of North Dakota medical school, works closely with students who do their family medicine rotations at West River.

During an average year, he said, they get eight to 10 medical students. Several have decided to return.

With an infusion of new physicians and other professionals, the hospital has grown and turned a profit while three local hospital have down-sized.

"For the 8½ years that I've been here, we've budgeted for an average bottom-line of 5% from operations," Long said. "That was what we believed was necessary to provide . . . for purchasing of new technology and expansion of services. And we have been able to maintain that average.

Dr. Sailer says regionalization is the answer to many of the medical center's remaining woes.

"I think we would offer much better services and more economical services if we could regionalize more. No matter what tack the government takes or what kind of new medical programs are on the horizon, I think in frontier areas we're going to have to have some regionalization of technology."

The biggest future threat, Long said, is demographic. Adams County, where Hettinger is located, lost 10% to 15% of its population in the last 10 years, and the trend is expected to continue. Neighboring counties have experienced comparable decreases.

And while they have broadened the services they offer, hospital officials have taken a cautious approach.

"We're always looking at what we can add that makes sense," Long said. "Many hospitals in the past five or 10 years diversified and got into areas they shouldn't have. We're looking for areas that make sense to us—that's sticking to the knitting, that's still medically related and related to the work we do now.

"We'll always be looking, we'll always be changing.

RURALS MUST CHANGE WITH THE TIMES

Long's credo sums up what the experts are telling rural hospitals;

Rural communities vary widely in demographic and socioeconomic make-up and in health care needs. In changing with the times they also must take into account area needs.

"There is a need for good fiscal and organizational management of hospitals," says Thomas A. Bruce, MD, program director at the W.K. Kellogg Foundation. "But beyond that there is an even more fundamental requirement: to know the aspirations of the entire population being served and to be visibly responsive to those wishes whenever possible." Kellogg, based in Battle Creek, Mich., has funded a three-year program to improve rural health delivery in six northwestern states.

"Hospitals, like physicians, are in partnerships with the public," Dr. Bruce said. "These partnerships are like marriages. Both sides must contribute, or divorce becomes a possibility."

Dr. Rosenblatt said hospitals have been unclear about what services to provide and need better planning.

That's especially true, notes the rural health association's Harold Brown, given the impact of Medicare's prospective payment system.

Brown, CEO of Prairie du Chien Hospital in Wisconsin, said his facility had shrunk from 84 to 15 beds since the system began.

"That's pretty typical of most rural hospitals," he said. "What we have done is take those excess beds and put them to use doing other things."

Prairie du Chien has opened a hospice and a home health agency, moved into respite care and even started providing a diaper service, children's day care and meals for homebound elderly. "You've got to move on or die," Brown said.

Federal officials reject the notion that Medicare and Medicaid reimbursement rates are to blame for the woes of rural and small hospitals. More likely causes are declining patient occupancy rates and consequent lagging revenues, they say.

Regardless, experts like Kellogg's Dr. Bruce say smart hospitals won't wait around trying to fix blame. "There is a need to continue to evaluate what works over time, and to learn how dependability and stability can be built into the rural equation," he says.

But such advice often is easier to give than to follow. As West River's board Chairman Allen McIntyre notes, hard-pressed small and rural hospitals recognize the need to adapt, but also fear it.

"There's a feeling here that if we don't remain on the cutting edge, if we don't continue to move ahead, we will fall by the wayside like many other rural hospitals have and continue to do."

MAKE SERBIAN REGIME PAY FOR AGGRESSION

Mr. PRESSLER. Serbian Government officials are continuing to order their military forces to smash freedom and autonomy in neighboring states. After doing all in their power to destroy Croatia, Serbian butchery is now taking place in Bosnia and Hercegovina. Bosnia's elected political leaders are begging for international assistance to stop Belgrade's aggression.

The United States should respond forcefully to this appeal. Mr. President, more than a month ago, on March 20, I introduced S. 2376, the Former Yugoslavia Act of 1992. Two of its aims are to end military aggression by the Communist regime that runs Belgrade and to bring that rogue regime and its brutal military thugs to justice before international bodies.

Since March 20, the United States Government has made significant progress toward formal recognition of portions of the former Yugoslavia seeking independence from Communist-ruled Serbia. But no real progress has been made to end the Serbian aggression and bring violators of human rights before national and international tribunals.

In this morning's editions, the Washington Post contains an editorial and the New York Times two articles that could have been modeled on the Former Yugoslavia Act. As elected leaders of Bosnia and Hercegovina plead for an end to Serbia's wanton aggression, diplomatic fretting and frustrated hand-wringing have escalated to new levels of ineffective rhetoric.

Mr. President, Congress should support calls by elected leaders of Serbia's victims to act in concert with the United Nations and the European Community to do more than puzzle about Serbia's vicious attacks.

Senators D'AMATO, HELMS, and DOLE have joined me in sponsoring the "Former Yugoslavia Act." To my knowledge, it is the first and only congressional attempt to stop Serbian aggression.

There is no reason for the Serbian National Airline [JAT] to continue to enjoy landing rights in this country and no reason for American air carriers to continue service to Serbia. The President has considerable authority to declare Serbia a threat and impose a number of tough sanctions unilaterally.

On Thursday, America's new permanent Representative to the United Nations, Ambassador Ed Perkins, will be sworn in. Even before he moves to New York City, the United States should join in calling for a very tough resolution in the U.N. Security Council. Bosnians and other citizens of the former Yugoslavia, including the ethnic Albanians of Kosova, need the same protection against an aggressive neighbor as the Kurds need against the Government of Iraq.

I ask unanimous consent that the Washington Post editorial and the New York Times articles to which I referred, and a copy of the Former Yugoslavia Act be inserted in the RECORD. I urge Senators to consider cosponsoring this bill.

Finally, Mr. President, I know that thousands of anti-Communist Serbians year for an end of the Milosevic regime and its horrible military aggression. I urge the U.S. Government to support the Serbian people who wish to rise up and throw off the repression and aggression imposed by their Communist masters.

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

[From the Washington Post, Apr. 5, 1992]

SERBIA'S AGGRESSION

The unraveling of Yugoslavia has proceeded to the point where Serbia is committing raw aggression in Bosnia to "liberate" a local Serbian population that was not in danger and that, from all signs, was content with the existing multiethnic state of affairs. Serbia has displaced nearly a half-million of Bosnia's Muslim Slavs, terrorized communities settled for centuries and taken over perhaps two-thirds of the republic's territory (after having annexed one-third of Croatia's). It has done this while mouthing assurances of respect for negotiation and legal norms.

Rival Croatia has made a grab of its own in the western Hercegovina section of the re-

public. This power play is wrong, and there is no excuse for it, but it probably would not have been made except for Serbia's far larger and bloodier example. Bosnia's Muslim troops have also acted badly; over the weekend they reneged on a safe conduct offered to trapped Serbian garrison in return for release of Bosnia's president, whom, unconscionably, Serbia had kidnapped as he returned from peace talks. But again this probably would not have happened but for Serbia's provocation.

Bosnia's agony is unfolding essentially from internal strife in Yugoslavia and not from an external assault across a clear international frontier. This accounts for the general foreign reluctance to send in troops to save Bosnia. It seems there is no force available to keep Serbia from accomplishing its purpose of taking Bosnia's Serbs—as it earlier took Croatia's—under its rule.

But if others cannot stop Serbia's aggression, they can hold President Slobodan Milosevic's government accountable for it. It is out of the question, for instance, to grant him the great advantage he seeks in having Serbia anointed as the rump successor to the old Yugoslavia. Restoration of normal economic relations with Serbia must await its restoration of normal political relations with its former fellow citizens. Its diplomatic isolation becomes a minimal European and American requirement.

Mr. Milosevic is aggrandizing Serbia, and ruining it. He is making Serbia a citadel of ethnic hatred, wasting its economy and destroying its ties with old friends, including the United States.

[From the New York Times, May 5, 1992]

BOSNIA IS SEEKING FOREIGN MILITARY AID

(By Chuck Sudetic)

SARAJEVO, BOSNIA and HERZEGOVINA, May 4.—Government leaders here rushed to finish an appeal for foreign military assistance today as Yugoslav Army jets rocketed targets above Sarajevo and as Serbian forces stepped up attacks to break up this multiethnic republic, news reports and officials said.

The Government announced that its Foreign Minister would make the appeal at an emergency session of the Conference on Security and Cooperation in Europe that is schedule for this week in Helsinki, Finland.

"Many people here are ready to go to the defense of Bosnia and Herzegovina," said President Alija Izetbegovic. "But we haven't the weapons. We never prepared for a military struggle. We believed in a political solution. The integrity of the republic is not the only thing in question. The very survival of people here is in jeopardy."

Mr. Izetbegovic said that if appeals for the deployment of United Nations peacekeeping forces failed, his Government would seek intervention by other foreign peacemaking forces. "I have no indication that anyone is ready for this," he said.

U.N. OFFICIAL TO VISIT

Marrack Goulding, the United Nations Under Secretary for peacekeeping operations, is scheduled to arrive in Sarajevo on Tuesday for talks.

The Yugoslav Government announced today that it would end its military presence in Bosnia and Herzegovina within 15 days. But diplomats in Belgrade said the army might be planning merely to release Serbian soldiers, who are estimated to comprise 80 percent of the Yugoslav forces in Bosnia and Herzegovina, and allow them to fight on as members of local Serbian militias. Such a move could worsen the situation by reducing central control over Serbian forces in the republic.

"Much as we have condemned the army for its role in Bosnia," one diplomat said, "handing effective control of most of its troops to the militias could make things worse, since there'll now be even less likely to respond to appeals for a ceasefire.".

This afternoon in Sarajevo, Yugoslav Army jet fighters made at least four sorties over Sarajevo. Radio reports said two MIG-29's rocketed targets on Trebevic Mountain, which overlooks Sarajevo's old quarter.

Street clashes forced people from basement shelters in their high-rise apartments to seek safer havens in buildings farther from the fighting, carrying children, blankets and hastily packed bags of food.

Serbian artillery attacks were launched into the city center, and a direct hit on a transmission tower blacked out the Sarajevo television for about half an hour. At the same time, pro-Government militiamen with rifles and shoulder-launched rockets darted door to door through apartment blocks and fired into the Serb-occupied hills north and south of town.

News reports said the Government forces had driven Serbian guerrillas from a police academy and other positions they had held since Serb attacks began on Sarajevo early last month.

Tonight, pink tracer bullets streaked down Sarajevo's streets from Serb-fired anti-aircraft weapons aimed at land-based targets, and exploding shells sent golden sparks flying from the sides of apartment buildings.

Deep inside their basement shelters, residents in Sarajevo have been watching television broadcasts that include American cable television news reports.

WATCHING U.S. RIOTS ON TV

"I watched the rioters in Los Angeles carrying television sets from stores," said a middle-aged Croatian man holed up in a basement workshop. "It is really sad. We were the two Olympic cities of 1984."

Heavy Serbian attacks throughout Bosnia signaled a stepped-up effort to overrun Muslim-Slav towns inside corridors linking up Serb-dominated regions.

Early this morning, Serbian guerrillas fired mortar shells on the Muslim-Slav town of Gorazde, Sarajevo radio reported. The last major Government-controlled town on the Drina River, Gorazde has been swollen with about 20,000 refugees. Yugoslav Army units have surrounded the town for weeks and had pledged to protect it from locally assembled Serbian militias as well as from guerrilla groups from Serbia itself.

Serbian guerrillas backed by Yugoslav Army units also attacked the towns of Doboj and Modrica, creating new waves of refugees, local news reports said. Fighting was also reported in Bosanska Krupa, which controls access to an almost entirely Muslim-Slav populated county where the Yugoslav Army has a major air base.

TRUCE EFFORTS ARE SET BACK

The sharp increase in fighting has also short-circuited all European Community efforts to halt the violence, which has killed hundreds of people, wounded thousands more and forced about 500,000 from their homes.

A Western diplomat said, "It's obvious now that you need outside involvement to achieve a workable ceasefire," and added that "much depends on Marrack Goulding's visit.

This afternoon, President Izetbegovic said he had agreed to the release of about 180 Yugoslav army soldiers taken prisoner by Government militiamen as the soldiers were trying to evacuate the army's regional headquarters on Sunday night.

Several soldiers were killed in the attack, which came despite guarantees for the soldiers' safety by Mr. Izetbegovic and an escort by personnel attached to the United Nations peacekeeping headquarters in Sarajevo.

"Chances for negotiations for achieving an orderly movement of the Yugoslav Army out of Sarajevo were severely affected by the unjustifiable attack on the retreating army column on Sunday," the diplomat said.

The Yugoslav Army condemned the attack and blamed Mr. Izetbegovic. Government officials in Sarajevo, however, said the attack resulted because local commanders did not know about the guarantee of safe passage.

It was part of a deal with the army to release Mr. Izetbegovic on Sunday. He was seized Saturday evening by the army at Sarajevo's airport when he returned from Lisbon after the suspension of European community-sponsored peace talks on Bosnia and Herzegovina.

Serbian guerrillas backed by the Yugoslav Army have seized over half of Bosnia and Herzegovina's territory. Serbian leaders here claim 70 percent of Bosnia and Herzegovina territory for a Serb republic, although the republic's 1.4 million Serbs account for 31 percent of its population. Bosnia and Herzegovina's 1.9 million Muslim Slavs and most of its 750,000 Roman Catholic Croats favor the republic's independence.

[From the New York Times, Apr. 5, 1992]

UNITED STATES FRUSTRATED, BACKS OFF FROM THE CRISIS IN YUGOSLAVIA

(By David Binder)

WASHINGTON, May 4.—After assuming a leading role in trying to defuse the Yugoslav conflict three weeks ago, the Bush Administration has largely withdrawn from the issue "in anger and frustration," a senior Administration official has said.

This official and others remarked that Secretary of State James A. Baker 3d and his principal aides had been disappointed with the lack of success of earlier United States efforts to influence events in Yugoslavia.

"Bush feels the same way," a second official familiar with Yugoslav affairs said of the President.

Reiterating the United States' condemnation of "the perpetrators of violence in Bosnia on all sides" for the 10th time in as many working days, Margaret D. Tutwiler, the State Department spokeswoman, hinted at the Administration's frustration today.

"I'm not saying there's nothing else that anyone can do," she said. "Everyone will continue to try." But she said she was unaware of any major "or even, to be honest with you, minor overall policy review."

FIGHTING INCREASES

On April 7, President Bush declared that the United States was recognizing the independence of Bosnia and Herzegovina, Croatia and Slovenia. The Administration hoped this would help end the fighting there, especially the battles in Bosnia and Herzegovina, where Serbian forces had seized large chunks of territory.

Instead, the fighting increased, and a week later Mr. Baker proposed suspending Serbia from the 51-member Conference on Security and Cooperation in Europe, issuing a sharp protest to the Belgrade authorities, dispatching a senior assistant to Bosnia and Herzegovina to report on the situation and arranging six Air Force flights of emergency relief supplies there.

With assaults on Bosnia and Herzegovina by Serbian forces, including the Serb-dominated Yugoslav Army, continuing, Mr. Baker took the initiative again on April 20, calling West European allies to propose the joint breaking of diplomatic relations with Belgrade. Only Germany's Foreign Minister, Hans-Dietrich Genscher, voiced approval. Other officials in the Administration questioned the wisdom of such a radical move.

At that point, Mr. Baker's resolve began to sag, said Administration officials familiar with the evolution of policy on Yugoslavia.

"Secretary Baker has decided to disengage from the issue," a high ranking official said. "There is simply no solution. But there is a high level of frustration."

Although fighting is continuing in Bosnia and Herzegovina, the United States chose not to press for the suspension of Serbia from the Conference on Security and Cooperation in Europe at its meeting in Helsinki last Wednesday, Administration officials said. The only action taken at the meeting was to admit Bosnia and Herzegovina as a new member.

This is the second time in 10 months that Mr. Baker has plunged into the Yugoslav crisis and then withdrawn. Last June he visited Belgrade and conferred with all of the leaders of what were then the six federative republics of Yugoslavia, as well as its federal leadership.

He left believing he had extracted commitments from each not to take steps that might cause an outbreak of civil war. Five days later, Slovenia and Croatia declared independence from the Yugoslav federation and fighting broke out. Mr. Baker then decided that the United States should step back and permit the European Community to take the lead in trying to solve the Yugoslav crisis.

But a senior American diplomat contended recently that "there is no international institution with sufficient powers to deal with Yugoslavia."

Another high-ranking Administration official said, "There is no policy on Yugoslavia now, other than to follow the lead of the European Community."

But the 12-member community is split over how forcefully to deal with Serbia and over how to deal at all with the newly independent republic of Macedonia, which Greece opposes.

S. 2376

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Former Yugoslavia Act of 1992".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Constitution of the Federal People's Republic of Yugoslavia, adopted in 1946, was modeled on the 1936 Constitution of the Union of Soviet Socialist Republics.

(2) Of the six republics (Macedonia, Slovenia, Croatia, Serbia, Montenegro, and Bosnia-Hercegovina) and two autonomous regions (Kosovo and Vojvodina) that formerly comprised the Federal People's Republic of Yugoslavia, several have voluntarily disassociated themselves to varying degrees from the political structure created by the Constitution of 1946.

(3) As a result of these actions by its constituent republics and provinces, the Federal People's Republic of Yugoslavia has ceased to exist.

SEC. 3. POLICY.

It is the sense of the Congress that the policy of the United States should be to conduct diplomatic and other relations directly with each of the nations, republics, and regions that formerly comprised the Federal People's Republic of Yugoslavia or directly with any voluntary association or associations of any such nations, republics, and regions rather than indirectly through the central government of the former federal state.

SEC. 4. REPORT.

(a) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a comprehensive report on United States policy toward the nations, republics, and autonomous regions that formerly comprised the Federal People's Republic of Yugoslavia.

(b) CONTENT OF REPORT.—The report shall include the following matters:

(1) The advisable levels and timing of United States diplomatic recognition and representation regarding each nation, republic, and autonomous region that formerly comprised the Federal People's Republic of Yugoslavia, including the specific criteria for determining to grant that recognition and the justification for any determination not to recognize a nation, republic, or autonomous region that has received the diplomatic recognition of any member nation of the North Atlantic Treaty Organization.

(2) The actions the United States will undertake bilaterally and in appropriate international bodies to prevent military and police forces anywhere within the territory of the former Federal People's Republic of Yugoslavia from attacking any such nation, republic, or autonomous region.

(3) The actions the United States will undertake bilaterally and in appropriate international bodies to prevent military and police forces of the former Federal People's Republic of Yugoslavia from being stationed in any such nation, republic, or autonomous region against the will of any freely elected, representative government of that nation, republic, or autonomous region.

(4) The actions the United States will undertake bilaterally and in appropriate international bodies to bring to justice government authorities who ordered members of military and police forces of the former Federal People's Republic of Yugoslavia or any such nation, republic, or autonomous region to attack any other such nation, republic, or autonomous region.

(5) The actions the United States will undertake bilaterally or in appropriate international bodies to reduce the influence and size of military forces that have attacked any such nation, republic, or autonomous region and to reduce the funding and supplying of such military forces by any source.

(6) The actions the United States will take through the United Nations and other appropriate international bodies to assure security and peace in the former Federal People's Republic of Yugoslavia.

(7) The extent to which the United States has ceased to provide assistance directly or indirectly to the government of any such nation, republic, or autonomous region that has attacked or occupied any other such nation, republic, or autonomous region.

(8) The levels and types of assistance that are being provided or are to be provided by the United States, directly or indirectly, to those nations, republics, and autonomous regions that have had free, fair, internationally supervised elections and that have committed themselves to principles of democracy and human rights.

(9) Any other matters relating to the policy referred to in subsection (a) that the President considers appropriate.

GATEWAY 2000: SOUTH DAKOTA SUPERSTAR

Mr. PRESSLER. Despite America's recent economic difficulties, small business continues to be the driving force of our economy. In my home State, Gateway 2000 is truly a South Dakota superstar. Recently the Gateway 2000 assembly lines produced their 500,000th personal computer.

The success of this dynamic company is becoming apparent throughout the world. Recently I met with American and Dutch business leaders in the Netherlands. As soon as they learned I represent South Dakota, they immediately mentioned Gateway 2000.

Located in North Sioux City, SD, Gateway 2000 produces high-quality, low-cost personal computers which it sells directly to consumers. Because South Dakota enjoys a pro-business and pro-free-enterprise climate, Gateway 2000 found a hospitable home when it was founded in 1985.

Since then, Gateway 2000 has been on a steady, rapid growth path. In fact, first quarter sales for this year amounted to $200 million. Top quality products, ethical business practices, involved, dedicated, and hard-working employees, and enlightened hands-on management have skyrocketed Gateway 2000 to the top of the personal computer market through direct marketing sales.

Americans have heard a great deal in recent years about Japanese competition and business practices. One result has been a tendency toward Japan-bashing and a call for United States business to be protected against foreign competition. Gateway 2000 asked for no special favors and jumped into a highly competitive market with excellent products. That tried-and-true formula for business success has proven itself once again.

I am proud that Gateway 2000 is a South Dakota business. Like many States in the Midwest, some of South Dakota's most able young people regrettably feel they must leave the State or region to pursue a successful career. Companies like Gateway 2000 prove that entrepreneurship and small businesses also can provide outstanding career opportunities. Even more important, Gateway 2000 is an inspiration for South Dakota's young people that, with good ideas and hard work, they can succeed close to their families and homes.

On my recent visit to Europe, I was discouraged to find that many European governments are wedded to socialism and protection of local companies against competition. Inevitably, this archaic anti-free-enterprise approach depresses local initiative and makes it

tougher for outstanding products, such as Gateway 2000 computers and software, from breaking into the world market.

Now that the former Soviet Union and several republics of the former Yugoslavia are free of communism, American know-how and innovation is the best form of encouragement we can give to promote economic growth and development. This is a far wiser investment than any amount of foreign aid.

Leading the way, Gateway 2000 inspires and encourages people at home and abroad. On the occasion of its 500,000th computer, I am delighted to commend this South Dakota superstar to consumers at home and abroad.

I ask unanimous consent that an article on Gateway 2000 from the Sioux city Journal of April 29, 1992, be inserted in the RECORD at this point.

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

[From the Sioux City Journal, Apr. 29, 1992]

GATEWAY 2000 TURNS OUT ITS 500,000TH COMPUTER

(By Mark Reinders)

NORTH SIOUX CITY.—Personal computer "500,000" rolled across the assembly line early Tuesday morning at Gateway 2000.

Company officials celebrated the milestone production number at the direct market PC manufacturing company's production plant located in North Sioux City. Despite the company being founded just six years ago, Gateway officials predicted it will hit the one million milestone sometime in 1993.

Gateway's assembly workers pump out an average of 1,500 units a day.

"Our 500,000th system is a 25MHz 386SX, purchased by Kathy Tyler of rural Big Stone City, S.D.," said Mike Schmith, Gateway 2000 marketing manager, while conducting a tour of Gateway's production facilities Tuesday. Schmith said R.J. Reimer, the Gateway 2000 sales representative who sold Tyler the computer, will drive to Big Stone City this week to deliver the systems personally.

Ted Waitt, president of Gateway, founded the company with Mike Hammond in a small house in rural Sioux City in 1985. The business then relocated to offices at the Sioux City Stockyards and later Sergeant Bluff, before moving to North Sioux City two years ago. Employment now stands at more than 1,400.

Later this year, the production end of the company will be relocated to new facilities near the existing office headquarters in the Gateway Business Park.

Schmith said that Gateway 2000 currently sells more IBM-compatible personal computers through the direct market channel in this country than any other PC manufacturer. Sales for the first quarter of 1992 were $200 million.

Schmith said that to maintain its growth, Gateway plans to continue to "be the leader in the direct marketing sales end."

In addition to its present PC models, Gateway has recently begun production of a notebook computer—a version similar to a portable laptop model.

Tyler, the purchaser of the 500,000th model, will receive one of the new notebook computers, a Nomad 425DXL, as a gift.

In a written statement, Waitt said that his company's achievement is a tribute to the people of Siouxland.

"The secret's in the employees at Gateway. They are hard-working, dedicated and caring. When you combine this exceptional work force with our old-fashioned business philosophy of giving our customers the very best value, you have a winning combination," Waitt said.

TRIBUTE TO WILLIE L. WILLIAMS

Mr. SPECTER. Mr. President, on May 26, 1992, Philadelphia Police Commissioner Willie L. Williams will be honored at a dinner as he retires after 28 years of service. Starting on the bottom rung as a patrolman in 1964, Williams steadily climbed the ladder of success in his chosen profession until he reached the top in 1988 when he was appointed commissioner.

His success story is not unusual. It combines the indispensable ingredients of intelligence, hard work, ambition, and dedication. It includes those always-essential personal qualities: a willingness to do whatever is necessary in an appropriate manner to get the job done and a refusal to accept less than one's best in addressing any task, however great or small.

Willie Williams recognized, as all who strive for success must, that opportunity arrives most often for those who are prepared, who have readied themselves to seize it and to make the most of it.

His tenure as Philadelphia's top policeman has been remarkable for his efforts to sensitize his officers to the multiethnic and multicultural population they serve, efforts which have enjoyed considerable success. He has shown Philadelphians that their policemen can show restraint and forebearance in times of confrontation and stress and still get the job done. He has imbued in them a sense of community, a greater understanding of their capacity to perform and to serve.

For this, Commissioner William has won the praise of elected and community leaders and the gratitude of all Philadelphians.

Commissioner William is leaving his Philadelphia post but he is not abandoning his profession. Soon, he will assume the position of police commissioner in Los Angeles. As he departs, he carries with him the best wishes for success of all residents of the "City of Brotherly Love," a sobriquet he has done much to restore and embellish.

It is, therefore, fitting that the U.S. Senate take note of the excellent career of Willie Williams in the police department of the city of Philadelphia and that it wish him well as he continues his professional work in Los Angeles.

PETER JAY SHARP

Mr. MOYNIHAN. Mr. President, on April 17, New York City lost one of its leading citizens, and one of its treasures. Peter Jay Sharp was a successful man of business and a great philanthropist. In a city blessed by the leaders of its many cultural institutions, he stood out. The Julliard School of Music, the City Opera, City Center, and the Metropolitan Museum of Art were just a few of the beneficiaries of his generosity. But Peter Sharp's value to the city could hardly be measured by his gifts of money, though they were great. He cared deeply about New York, and gave much of his time to helping solve its common problems. Somewhere, the poet W.B. Yeats writes of a man who "was blessed and had the power to bless." Peter Sharp was such a man. He was my friend and I will miss him greatly. I ask unanimous consent that a tribute from the New York Post be printed in the CONGRESSIONAL RECORD.

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

[From the New York Post, Apr. 22, 1992]

PETER SHARP: 1991–1992

Peter Jay Sharp, who died late last week, was a New Yorker of the old school: His creed was excellence.

Excellence at the hotels he owned and ran—among them, the world-famous Carlyle. And excellence at the local cultural institutions to which he gave so generously of his time and personal wealth: the New York City Opera, Juilliard Lincoln Center, the Vivian Beaumont, City Center, the Met.

Lest these institutional attachments disguise his essential concern—that this town serve its residents and visitors as well as possible—it's also worth noting that Sharp sat on the board of the Fund for Better Subway Stations.

Peter Sharp, in short, cared—about those who enjoy the city's cultural riches and have the means to stay at the Carlyle, but also about the ordinary folks who make New York possible—the people, for example, who travel to and from work each day on the subway.

In his special, quiet way, Peter Sharp labored to make this city better. And, indeed, New York is a better place for his having spent his life here.

NATIONAL TAX FREEDOM DAY

Mr. GRASSLEY. Mr. President, as we are considering legislation to cut wasteful Government spending, I think it is a very appropriate time to recognize the significance of May 5, 1992. Today, is the day that all hard working Americans have been waiting for all year. Today is a tax freedom day, as calculated by the Tax Foundation, when Americans stop working for the Government and start working for themselves and their families. That is the good news. The bad news is that tax freedom day is 4 days later this year than last year. So, the tax burden on our people continues its unrelenting climb.

We in the Congress, and our legislative brethren in State and local governments, often act as though the

American taxpayer does not even exist. However, our governing bodies are never shy about deducting their share from our working men and women. That is why it is very important to recognize May 5, 1992, as National Tax Freedom Day, a date on which American workers finally begin to work for themselves instead of the enormous State apparatus they have spent over 4 months of the year working for. It is a worthy day to commemorate, but one which we ought to have already observed.

Monies raised through taxation are spent by government entities with little regard to the effort that hard-working Americans expend on a daily basis to produce them. We spend, then tax and spend again in Washington, with the result being massive budget deficits on the one hand and heavily taxed workers on the other. We are simply continuing to take too much from the paychecks of our workers and spending money like there is no tomorrow. Such spending practices are reckless and irresponsible on our part. I think we can and must do better. At least, our taxpayers deserve to know that their hard-earned dollars are being spent in a responsible manner. Ideally, we should pledge to bring our fiscal house in order and to lessen the burden that we have placed on our citizens. Taxpayers are angry, and for good reason.

Mr. President, the average American worker will spend 2 hours and 45 minutes out of each 8 hour workday to pay Federal, State, and local taxes. This is four minutes longer each day this year than in 1991.

The 4 day increase from last year is one of the largest increases on record. This is due to slower income growth combined with higher Federal, State and local taxes.

In light of the misguided $164 billion tax bill that congress passed in 1990, and an increase in social security taxes, can we truly look our constituents in the eye and state with conviction that they have received their money's worth? I do not think so, Mr. President. Instead, we can look at a Government awash in debt, too often spending its money for frivolous congressional pay raises or pork barrel spending, rather than for basic services that taxpayers are willing to pay for. It is easy to spend the taxpayer's money, Mr. President. It is much more difficult to say enough is enough. I can only hope that we have put a stop to any further Federal tax increases this year.

I thank the American taxpayer today on the floor of the United States Senate, and I urge my colleagues to show their appreciation as well. It is time we all recognized that the American taxpayer has had enough of Washington's tax and spending ways.

ORDER FOR STAR PRINT—S. 2514

Mr. KERRY. Mr. President, I ask unanimous consent that S. 2514, the Child Support Tax Equity Act of 1992, be star printed to reflect the changes I now send to the desk.

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

REFERRAL OF A BILL—S. 2625

Mr. KERRY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 2625, designating the Mitchell Cohen Courthouse in Camden, NJ, and that the measure then be referred to the appropriate committee, Environment and Public Works.

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

OLDER AMERICANS MONTH

NATIONAL HUNTINGTON'S DISEASE AWARENESS MONTH

Mr. KERRY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged, en bloc, from further consideration of the following joint resolutions: Senate Joint Resolution 276, designating "Older Americans Month," and Senate Joint Resolution 251, designating "National Huntington's Disease Awareness Month," and that the Senate proceed, en bloc, to their immediate consideration; that the joint resolutions be deemed read three times, passed and the motion to reconsider laid upon the table, en bloc; that the preambles be agreed to; further, that the consideration of these joint resolutions appear individually in the RECORD; and that any statements regarding the joint resolutions be placed in the RECORD at the appropriate place.

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

So the joint resolution (S.J. Res. 276) was deemed read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 276

Whereas older Americans have contributed many years of service to their families, their communities, and the Nation;

Whereas the population of the United States is comprised of a large percentage of older Americans representing a wealth of knowledge and experience;

Whereas older Americans should be acknowledged for the contributions older Americans continue to make to their communities and the Nation; and

Whereas many States and communities acknowledge older Americans during the month of May: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the traditional designation of the month of May as "Older Americans Month", and the repeated expression by the Congress of appreciation and respect for the achievements of older Americans and of a desire that older Americans continue to play an active role in the life of the Nation, the month of May, 1992, is designated as "Older Americans Month" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

So the joint resolution (S.J. Res. 251) was deemed read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 251

Whereas twenty-five thousand Americans are victims of Huntington's disease, a fatal, hereditary, neurological disorder;

Whereas an additional one hundred and twenty-five thousand Americans have a 50-percent chance of inheriting the gene responsible for Huntington's disease from an affected parent and are considered to be "at-risk" for the disease;

Whereas tens of thousands of other Americans experience the destructive effects of the disease, including suffering from the social stigma associated with the disease, assuming the difficult role of caring for a loved victim of the disease, witnessing the prolonged, irreversible physical and mental deterioration of a loved one, and agonizing over the death of a loved one;

Whereas at present there is no cure for Huntington's disease and no means available to retard or reverse the effects of the disease;

Whereas a victim of the later stages of Huntington's disease invariably requires total personal care, the provision of which often results in devastating financial consequences for the victim and the victim's family;

Whereas recent advances in the field of molecular genetics have enabled scientists to locate approximately the gensite responsible for Huntington's disease;

Whereas many of the novel techniques resulting from these advances have also been instrumental in locating the gene-sites responsible for familial Alzheimer's disease, manic depression, kidney cancer, and other disorders;

Whereas increased Federal funding of medical research could facilitate additional advances and result in the discovery of the cause and chemical processes of Huntington's disease and the development of strategies to stop and reverse the progress of the disease;

Whereas Huntington's disease typifies other late-onset, behavioral genetic disorders by presenting the victim and the victim's family with a broad range of biomedical, psychological, social, and economic problems; and

Whereas in the absence of a cure for Huntington's disease, victims of the disease deserve to live with dignity and be regarded as full and respected family members and members of society: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May 1992 is designated as "National Huntington's disease Awareness Month", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

PUBLIC SERVICE RECOGNITION WEEK

NATIONAL CRIME VICTIMS' RIGHTS WEEK

Mr. KERRY. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of the following joint resolutions, just received from the House; House Joint Resolution 430, designating "Public Service Recognition Week," and House Joint Resolution 466, designating "Crime Victims' Rights Week"; that the joint resolutions be deemed read three times, passed, and the motion to reconsider be laid upon the table, en bloc; that the preambles be agreed to and that any statements relating to these measures be placed in the RECORD at the appropriate place; further, that consideration of these joint resolutions appear individually in the RECORD.

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

So the joint resolution (H.J. Res. 430) was deemed read the third time and passed.

The premable was agreed to.

So the joint resolution (H.J. Res. 466) was deemed read the third time and passed.

The preamble was agreed to.

CERTAIN EMPLOYEES OF THE CAPITOL POLICE TO RECEIVE LUMP-SUM PAYMENTS

Mr. KERRY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 292, submitted earlier today by Senators FORD, STEVENS, and others; that the resolution be agreed to and that the motion to reconsider be laid upon the table.

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

So the resolution (S. Res. 292) was agreed to, as follows:

S. RES. 292

Resolved, That (a) a member or employee of the Capitol Police whose pay is disbursed by the Secretary of the Senate and who is separated from service with the Capitol Police is entitled to receive a lump-sum payment for the accumulated and current accrued annual leave to which he is entitled, based solely on his service as a member or employee of the Capitol Police.

(b) The lump-sum payment is considered to be pay for taxation purposes only. The payment shall be made by the Secretary of the Senate when certification is made by the Sergeant at Arms of the Senate to the Financial Clerk of the Senate. The certification shall state the total of the accumulated and current accrued annual leave to the credit of the member or employee of the Capitol Police, and shall be made after such member's or employee's separation from service.

(c) The lump-sum payment shall be paid at the hourly rate of compensation to which the member or employee is entitled, multiplied by the number of hours certified in subsection (b). The hourly rate of compensation of such member or employee shall be determined by dividing the employee's annual rate of compensation by 2,080. The annual rate of compensation is that rate to which the member or employee is entitled, at the time of separation, based on the applicable Capitol Police step and position level.

(d) Lump-sum payments paid to members or employees of the Capitol Police under this section shall be paid by the Secretary of the Senate from funds appropriated to the Sergeant at Arms and Doorkeeper of the Senate in a legislative appropriation Act under the heading "Capitol Police Board" and the subheadings "Capitol Police" and "Salaries" for the fiscal year in which the member or employee separates. For purposes of appropriation Acts, payments under this section shall be made available for such funds as though such payments were salaries for a Capitol Police member or employee.

(e) The provisions of this section shall not be construed to authorize the transfer of leave between the Capitol Police and any other agency of the Federal Government.

(f) The provisions of this section shall cease to be effective and shall not apply to any separation from service occurring on or after 2 years after the date of enactment of this section.

Mr. FORD. Mr. President, the objective of this resolution is to authorize certain employees of the Capitol Police to receive lump-sum payments for accumulated or accrued annual leave upon separation from serivce.

The Senate Subcommittee on Legislative Branch Appropriations noted in the committee report for fiscal year 1991, that the Capitol Police lacked the authority to make lump sum payments to retirees for unused leave. The subcommittee requested that the Capitol Police Board develop a proposal to remedy this situation. That proposal is now before us.

Lump sum payments were funded in the Senate for fiscal year 1992, through the Legislative Branch Appropriations Subcommittee, which agreed with the House to provide funds for lump sum payments. We need merely to provide the authorization for the payment.

Mr. President, lump sum payment makes simple, good economic sense. The Capitol Police have researched what it would cost to pay personnel for their accumulated leave as opposed to allowing them to continue in a leave status with full pay. In short, by enacting this legislation, the Capitol Police project a salary savings of approximately $876,438.75 in calendar year 1992.

This savings occurs because currently when personnel are placed on terminal leave, an unmanned position occurs within the Department that cannot be filled by new personnel until the individual actually goes off the payroll. To cover that unmanned position, overtime must be worked by other officers. This overtime is paid at a rate of one and one-half times the hourly salary rate. Because of this, in 1992 overtime expenses will escalate as 96 persons are placed on terminal leave at various times between now and October 1992 when they mandatorily retire. This situation is readily addressed under the lump sum payment proposal.

Lump-sum payment would contribute to the financial savings and overall efficiency of the Department in several ways. First, with lump-sum payment, the Capitol Police will be able to fill vacancies immediately upon terminal leave payoff with an employee starting at the beginning of the pay scale versus the salary cost of a veteran officer on terminal leave, thus realizing a replacement savings. Second, an overtime savings will be realized on top of the replacement savings. With lump-sum payment, a new individual may be hired immediately, thereby negating the need to work another officer overtime. However, when an officer is hired, it requires approximately 4 months of training before they are placed on the streets.

Moreover, in addition to replacement and overtime savings, a benefit savings would be realized. When an officer is carried on terminal leave, the Department must continue to fund the Government's portion of benefits for retirement, health, and life insurance. Lump-sum payment would eliminate these costs. There would be no accrual of annual leave, sick leave, or holidays that occur during the period of time they are on terminal leave nor would the individuals continue to receive any scheduled longevities or COLA's.

Finally, personnel promoted as a result of vacancies created by retirements could be paid immediately, thereby eliminating acting positions.

Mr. President, terminal leave as it stands now will cost $1,934,361.96. This calculation is based on the 96 officers who are scheduled to retire by October 31, 1992. The cost for lump-sum payment is $1,057,923.21 which realizes an overall savings of $876,438.75.

The choice is clear. With lump-sum payments we have the opportunity to remedy the problems that the Capitol Police are facing as well as save over a half a million dollars. I commend the Capitol Police for their efforts to curb costs and urge adoption of this important legislation.

THE 1992 SPECIAL OLYMPICS TORCH RELAY THROUGH THE CAPITOL GROUNDS

Mr. KERRY. Mr. President, I ask unanimous consent that the Rules committee be discharged from further consideration of Senate Concurrent Resolution 111 regarding the 1992 Special Olympics torch relay and that the Senate then proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 111) authorizing the 1992 Special Olympics Torch Relay to be run through the Capitol Grounds.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 111) was agreed to, as follows:

S. CON. RES. 111

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF RUNNING OF SPECIAL OLYMPICS TORCH RELAY THROUGH CAPITOL GROUNDS.

On May 15, 1992, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may designate jointly, the 1992 Special Olympics Torch Relay may be run through the Capitol Grounds, as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics spring games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such action as may be necessary to carry out section 1.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event authorized by section 1.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

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

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on May 1, 1991, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 174. Joint resolution designating the month of May 1992 as "National Amyotrophic Lateral Sclerosis Awareness Month"; and

S.J. Res. 222. Joint resolution to designate 1992 as the "Year of Reconciliation Between American Indians and non-Indians."

Under the authority of the order of the Senate of January 3, 1991, the enrolled joint resolutions were signed on May 1, 1991, during the recess of the Senate, by the President pro tempore [Mr. BYRD].

MESSAGES FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the bill (S. 323) to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes, with amendments; it insists upon its amendments to the bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. DINGELL, Mr. WAXMAN, Mr. WYDEN, Mr. LENT, and Mr. BLILEY as managers of the conference on the part of the House.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 371. Joint resolution designating May 31, 1992, through June 6, 1992, as a "Week for the National Observance of the Fiftieth Anniversary of World War II."

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 4184. An act to designate the Department of Veterans Affairs Medical Center located in Northhampton, Massachusetts, as the "Edward P. Boland Department of Veterans Affairs Medical Center."

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 1991, the following enrolled bills were signed on May 1, 1992, during the recess of the Senate by the President pro tempore [Mr. BYRD]:

H.R. 2454. An act to authorize the Secretary of Health and Human Services to debarments and other penalties for illegal activities involving the approval of abbreviated drug applications under the Federal Food, Drug, and Cosmetic Act, and for other purposes; and

H.R. 3337. An act to authorize the Secretary of the Treasury to mint a coin in commemoration of the Two-hundredth Anniversary of the White House.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on May 1, 1992 he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 174. Joint resolution designating the month of May 1992 as "National Amyotrophic Lateral Sclerosis Awareness Month";

S.J. Res. 222. Joint resolution to designate 1992 as the "Year of Reconciliation Between American Indians and non-Indians."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Select Committee on Indian Affairs, without amendment:

S. 2342. A bill to amend the Act entitled "An Act to provide for the disposition of funds appropriated to pay judgement in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, and for other purposes", approved October 25, 1972 (86 Stat. 1168 et seq.) (Rept. No. 102-277).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3117. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report on foreign investment in United States agricultural land for calendar year 1991; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3118. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on upgrading Mayport Naval State to service and serve as homeport for nuclear carriers; to the Committee on Armed Services.

EC-3119. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, certification of a weapons system that has breached its program unit acquisition cost; to the Committee on Armed Services.

EC-3120. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, certification of a weapons system that has breached its program unit acquisition cost; to the Committee on Armed Services.

EC-3121. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, the annual report on applications for delays of notice and customer challenges under the provisions of the Right to Financial Privacy Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-3122. A communication from the Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the annual report on enforcement actions and initiatives for calendar year 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC-3123. A communication from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to make certain programs of the Department

of Housing and Urban Development more cost-effective, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC-3124. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Colorado River System Consumptive Uses and Losses Report for 1981-1985; to the Committee on Energy and Natural Resources.

EC-3125. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a recommendation for modifications to the authorized flood damage reduction project for the South Fork Zumbro River, Rochester, Minnesota; to the Committee on Environment and Public Works.

EC-3126. A communication from the Administrator of General Services, transmitting, pursuant to law, a proposed prospectus for the leasing of space for the Department of Agriculture in Greenbelt, Maryland; to the Committee on Environment and Public Works.

EC-3127. A communication from the Administrator of General Services, transmitting, pursuant to law, informational copies of proposed prospectuses; to the Committee on Environment and Public Works.

EC-3128. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to April 23, 1992; to the Committee on Foreign Relations.

EC-3129. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-188 adopted by the Council on April 7, 1992; to the Committee on Governmental Affairs.

EC-3130. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-189 adopted by the Council on April 7, 1992; to the Committee on Governmental Affairs.

EC-3131. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-190 adopted by the Council on April 7, 1992; to the Committee on Governmental Affairs.

EC-3132. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-191 adopted by the Council on April 7, 1992; to the Committee on Governmental Affairs.

EC-3133. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-192 adopted by the Council on April 7, 1992; to the Committee on Governmental Affairs.

EC-3134. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-193 adopted by the Council on April 7, 1992; to the Committee on Governmental Affairs.

EC-3135. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-194 adopted by the Council on April 7, 1992; to the Committee on Governmental Affairs.

EC-3136. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-195 adopted by the Council on April 7, 1992; to the Committee on Governmental Affairs.

EC-3137. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-196 adopted by the Council on April 7, 1992; to the Committee on Governmental Affairs.

EC-3138. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-197 adopted by the Council on April 7, 1992; to the Committee on Governmental Affairs.

EC-3139. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-198 adopted by the Council on April 7, 1992; to the Committee on Governmental Affairs.

EC-3140. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1991; to the Committee on Governmental Affairs.

EC-3141. A communication from the Solicitor of the United States Commission on Civil Rights, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1991; to the Committee on Governmental Affairs.

EC-3142. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect at the Corporation during fiscal year 1991; to the Committee on Governmental Affairs.

EC-3143. A communication from the Chief of Staff, Office of the Nuclear Waste Negotiator, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect at the Office during fiscal year 1991; to the Committee on Governmental Affairs.

EC-3144. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1991; to the Committee on Governmental Affairs.

EC-3145. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports issued by the General Accounting Office during November 1991; to the Committee on Governmental Affairs.

EC-3146. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1991; to the Committee on Governmental Affairs.

EC-3147. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the health status and health care needs of American Indians in California; to the Select Committee on Indian Affairs.

EC-3148. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, the annual report on applications for court orders made to Federal and state courts to permit the interception of wire, oral, or electronic communications during calendar year 1991; to the Committee on the Judiciary.

EC-3149. A communication from the Chairman of the National Commission for Employment Policy, transmitting, pursuant to law, a report entitled "The JTPA Education-Coordination Set-Aside: States' Implementation of the Program"; to the Committee on Labor and Human Resources.

EC-3150. A communication from the Secretary of Labor, transmitting, pursuant to law, a report of the Secretary's Commission on Achieving Necessary Skills entitled "Learning a Living: A Blueprint for High Performance"; to the Committee on Labor and Human Resources.

EC-3151. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priority for the Upward Bound Math and Science Initiative; to the Committee on Labor and Human Resources.

EC-3152. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, certification that the Russian Federation, Ukraine, and Byelarus are committed to the course of action described in the Soviet Nuclear Risk Reduction legislation adopted in December 1991; to the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JOHNSTON:

S. 2648. A bill to suspend temporarily the duty on 3,7,11,15, tetramethyl-1-hexadecen-3-01; to the Committee on Finance.

S. 2649. A bill to suspend temporarily the duty on 2,3,5-Trimethylhydroquinone; to the Committee on Finance.

S. 2650. A bill to suspend temporarily the duty on riboflavin; to the Committee on Finance.

By Mr. WOFFORD:

S. 2651. A bill to extend through December 31, 1994, the suspension of import duties on synthetic rutile; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. COHEN, Mr. DECONCINI, Mr. SASSER, Mr. ROCKEFELLER, Mr. INOUYE, and Mr. LIEBERMAN):

S. 2652. A bill to provide enhanced penalties for commission of fraud in connection with the provision of or receipt of payment for health care services, and for other purposes; to the Committee on the Judiciary.

By Mr. BRADLEY:

S. 2653. A bill to amend the Wild and Scenic Rivers Act by designating certain segments and tributaries of the Delaware River in Pennsylvania and New Jersey for study for potential addition to the National Wild and Scenic Rivers System and by authorizing the Secretary of the Interior to designate as components of the National Wild and Scenic Rivers System those segments and tributaries that the Secretary determines are eligible for designation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DECONCINI:

S. 2654. A bill to amend the Land and Water Conservation Fund Act of 1965 to ensure sufficient funding for Federal and State projects and for maintenance and security needs, to encourage multipurpose acquisitions, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SYMMS:

S. 2655. A bill to extend until January 1, 1995, the existing suspension of duty on cer-

tain yttrium bearing materials and compounds; to the Committee on Finance.

By Mr. FORD:

S. 2656. A bill to amend the Petroleum Marketing Practices Act; to the Committee on Energy and Natural Resources.

By Mr. REID:

S. 2657. A bill to require reauthorizations of budget authority for Government programs at least every 10 years, to provide for review of Government programs at least every 10 years, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, pursuant to the order of August 4, 1977, with instructions if one Committee reports, the other Committees have thirty days to report or be discharged.

By Mr. BIDEN:

S. 2658. A bill to authorize the Secretary of Commerce to make grants to States and local governments for the construction of projects in areas of high unemployment, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PRYOR (for himself and Mr. BOREN):

S.J. Res. 297. A joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROTH:

S. Res. 291. A resolution on Japan's participation in United Nations' peacekeeping operations; to the Committee on Foreign Relations.

By Mr. FORD (for himself, Mr. STEVENS, Mr. REID, and Mr. GORTON):

S. Res. 292. A resolution to authorize certain employees of the Capitol Police to receive lump-sum payments for accumulated or accrued annual leave upon separation from service, and for other purposes; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself, Mr. COHEN, Mr. DECONCINI, Mr. SASSER, Mr. ROCKEFELLER, Mr. INOUYE, and Mr. LIEBERMAN):

S. 2652. A bill to provide enhanced penalties for commission of fraud in connection with the provision of or receipt of payment for health care services, and for other purposes; to the Committee on the Judiciary.

HEALTH CARE FRAUD PROSECUTION ACT OF 1992

Mr. BIDEN. Mr. President, today I am introducing a bill to address the serious problem of health care fraud in this country and to provide the Federal Government with the enforcement tools it needs to fight fraud in the health care system.

The health care industry consumes a significant portion of this nation's wealth—about $738 billion last year alone. Experts say that 10 percent of these costs—$74 billion a year—are caused by fraud and abuse in the health care system. Doctors, hospitals, and other health care providers are defrauding patients, the Government, and private health insurance companies of $200 million every day.

The exploding cost of health care is causing a crisis in this country. Americans are worried about their ability to find and pay for health insurance and adequate medical treatment; we often hear about the plight of the 35 million Americans who cannot afford any medical insurance at all.

But the fact is that the $74 billion that is lost to health care fraud each year could pay for health insurance for all of those who currently lack coverage. Fraud is diverting resources away from those who need them most—those without health insurance—and sending those billions of dollars to health care providers who are rigging the system.

I want to stress that the vast majority of doctors, pharmacists, and medical equipment suppliers are honest professionals. But a few dishonest manipulators are driving up rates and threatening the integrity of our nation's health care system. Some of these fraud schemes have involved as much as $1 billion in false claims for medical services. These fraudulent operators often prey upon health care dependent elderly Americans.

Both insurance companies and the Federal Government have not done enough to prevent and prosecute fraud in the health care industry. Insurance companies have just begun to devote significant resources to detecting fraud, and can certainly do more.

But the Federal Government must lead in fighting health care fraud, and right now, there is no Federal statute specifically aimed at this serious problem.

Patients and health care insiders have no incentive to come forward with information about health care fraud.

There is no criminal penalty aimed at doctors whose fraudulent activities actually endanger a patient's health, which occurs when a doctor charges for a necessary medical test but never performs that test.

And we don't require health care cheats to pay restitution.

So doctors and health care providers who defraud patients and insurance companies rest easy in the knowledge that the Federal Government has only limited ability to investigate, prosecute, and punish.

As a result, health care providers commit about $74 billion in health care fraud every year. They submit false bills for procedures that were never conducted. They request payment for the treatment of patients who are long since deceased. They pay kickbacks to lawyers and others who steer patients to them. And they write fraudulent prescriptions to patients who then sell the prescription drugs on the black market.

Health care fraud can be difficult to detect and time consuming to investigate. Current Federal penalties are not severe enough to deter this fraud. A dermatologist who submitted $170,000 in false claims received only a 6-month prison sentence. And the owner of an ambulance service who defrauded the Government of $85,000 received only probation. Health care providers who engage in fraud should know that they will be forced to spend a substantial period in prison.

While the majority of physicians and health care providers do not engage in any of this unethical behavior, the significant minority of health care providers who do engage in fraud are costing us tens of billions of dollars every year. They must be rooted out and punished severely.

The bill I am introducing today, the Health Care Fraud Prosecution Act of 1992, corrects those deficiencies. It will enable the Government to go after doctors and hospitals and other health care providers who defraud patients, the Government, and insurance companies.

This bill will:

Double the Federal penalties for major health care fraud from 5 to 10 years imprisonment;

Allow for imprisonment up to 20 years where the fraud endangered the life of a patient or caused serious physical injury;

Enable patients and health care insiders to receive rewards for providing information that leads to the prosecution of health care cheats;

Boost funding for FBI agents and Federal prosecutors to detect and prosecute health care fraud;

Require doctors who commit fraud to pay restitution; and

Expand the Federal mail fraud statute to include private mail carriers.

Health care fraud is a problem national in scope and of enormous proportions. We need a Federal response to address the problem. This bill is a major new initiative in the field, and with it the Federal Government will be able to take a leading role in deterring and prosecuting health care fraud nationwide.

I ask unanimous consent that a copy of the bill be printed in the CONGRESSIONAL RECORD, along with a summary of the bill, the section-by-section analysis, a factsheet about health care fraud, and several letters of support.

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

S. 2652

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Care Fraud Prosecution Act of 1992".

SEC. 2. INCREASED PENALTIES FOR HEALTH CARE FRAUD.

(a) OFFENSE.—Part I of title 18, United States Code, is amended by inserting after chapter 50A the following new chapter:

"CHAPTER 50B—HEALTH CARE FRAUD

"Sec.
"1101. Health care fraud.
"1102. Penalties.
"1103. Restitution.

"§ 1101. Health care fraud

"(a) DEFINITION.—In this section, the term 'health care provider' means—

"(1) a physician, nurse, dentist, therapist, pharmacist, or other professional provider of health care; and

"(2) a hospital, health maintenance organization, pharmacy, laboratory, clinic, or other health care facility or a provider of medical services, medical devices, medical equipment, or other medical supplies.

"(b) OFFENSE.—A health care provider that engages in conduct constituting an offense under section 1341 or 1343 for the purpose of or in connection with the provision of health care services or supplies or the payment therefor or reimbursement of the costs thereof, when—

"(1) the amount of loss caused by the fraudulent conduct exceeds $10,000; or

"(2) the offender had previously been convicted of fraud in Federal or State court,

shall be fined under this title, imprisoned in accordance with section 1102, or both.

"§ 1102. Penalties

"(a) IN GENERAL.—In the case of an offense under section 1101 not described in subsection (b) or (c), the offender shall be sentenced to a term of imprisonment of not more than 10 years.

"(b) SERIOUS PHYSICAL INJURY OR ENDANGERMENT OF LIFE OF PATIENT.—In the case of an offense under section 1101 that—

"(1) caused serious physical injury to a patient; or

"(2) endangered the life of a patient,

the offender shall be sentenced to a term of imprisonment of not more than 20 years.

"(c) DEATH OF PATIENT.—In the case of an offense under section 1101 that caused the death of a patient, the offender shall be sentenced to a term of imprisonment of not more than life.

"§ 1103. Restitution

"In sentencing an offender convicted under section 1101, the court—

"(1) shall order the offender to pay restitution to the patient and, if the payor was the United States, to the payor, for loss sustained as a result of the offender's fraudulent activity; and

"(2) may order the offender to pay restitution to others who sustained losses as a result of the offender's fraudulent activity.".

(b) TECHNICAL AMENDMENT.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item for chapter 50A the following new item:

"50B. Health care fraud.".

SEC. 3. CIVIL AND CRIMINAL FORFEITURE OF FRAUD PROCEEDS.

(a) CIVIL FORFEITURE.—Section 981(a)(1) of title 18, United States Code, is amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph:

"(E) Any real or personal property that constitutes or is derived from proceeds traceable to an offense under section 1101.".

(b) CRIMINAL FORFEITURE.—Section 982(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(5) The court, in imposing sentence on a person convicted of an offense under section 1101, shall order that the offender forfeit to the United States any real or personal property constituting or derived from proceeds that the offender obtained directly or indirectly as the result of the offense.".

SEC. 4. REWARDS FOR INFORMATION LEADING TO PROSECUTION AND CONVICTION.

Section 3059 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) In special circumstances and in the Attorney General's sole discretion, the Attorney General may make a payment of up to $10,000 to a person who furnishes information unknown to the Government relating to a possible prosecution under section 1101.

"(2) A person is not eligible for a payment under paragraph (1) if—

"(A) the person is a current or former officer or employee of a Federal or State government agency or instrumentality who furnishes information discovered or gathered in the course of government employment;

"(B) the person knowingly participated in the offense;

"(C) the information furnished by the person consists of allegations or transactions that have been disclosed to the public—

"(i) in a criminal, civil, or administrative proceeding;

"(ii) in a congressional, administrative or General Accounting Office report, hearing, audit, or investigation; or

"(iii) by the news media, unless the person is the original source of the information; or

"(D) when, in the judgment of the Attorney General, it appears that a person whose illegal activities are being prosecuted or investigated could benefit from the award.

"(3) For the purposes of paragraph (2)(C)(iii), the term 'original source' means a person who has direct and independent knowledge of the information that is furnished and has voluntarily provided the information to the Government prior to disclosure by the news media.

"(4) Neither the failure of the Attorney General to authorize a payment under paragraph (1) nor the amount authorized shall be subject to judicial review.".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated in fiscal year 1993 for the purposes of carrying out the purposes of this Act and the amendments made by this Act—

(1) $22,500,000 for the Federal Bureau of Investigation to hire, equip, and train no fewer than 225 special agents and support staff to investigate health-care fraud cases;

(2) $5,000,000 to hire, equip, and train no fewer than 50 assistant United States Attorneys and support staff to prosecute health-care fraud cases; and

(3) $2,500,000 to hire, equip, and train no fewer than 25 investigators in the Office of Inspector General, Department of Health and Human Services, to be devoted exclusively to health-care fraud cases.

SEC. 6. BROADENING APPLICATION OF MAIL FRAUD STATUTE.

Section 1341 of title 18, United States Code, is amended—

(1) by inserting "or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier," after "Postal Service,"; and

(2) by inserting "or such carrier" after "causes to be delivered by mail".

SUMMARY OF THE HEALTH CARE FRAUD PROSECUTION ACT OF 1992

Creates new federal penalties for mail and wire fraud committed by doctors, pharmacists and other health-care providers, punishable by up to 10 years imprisonment and fines of up to $250,000.

Doubles the penalty—to a maximum of 20 years in prison—for health-care fraud that results in serious bodily injury to the patient (e.g., where a doctor charges for a medical test, the test is never performed, and the failure causes serious injury to the patient). If the fraudulent act results in death, the provider may be sentenced to life imprisonment.

Requires health-care cheats to pay mandatory restitution to patients and government agencies.

Authorizes federal law enforcement agencies to seize and forfeit the ill-gotten profits of health-care fraud.

Authorizes rewards of up to $10,000 to patients, health-care insiders, and others for information that leads to the arrest and prosecution of health-care fraud schemes.

Expands the federal mail fraud statute to include private mail carriers (e.g., Federal Express), which are frequently used to circumvent the mail fraud law.

Boosts funding for FBI agents, federal prosecutors, and other criminal investigators to detect and prosecute health-care fraud schemes.

TEN FACTS ABOUT HEALTH CARE FRAUD

In 1991 health care fraud cost this country over $70 billion: $300 stolen for every American man, woman and child.

The amount lost to health care fraud each year could pay for health insurance for the 35 million Americans who currently lack coverage.

Federal losses due to fraud in the Medicare and Medicaid programs are estimated at close to $17 billion, yet last year the government recovered less than 1% of that amount in civil and criminal fines and settlements from fraud prosecutions in those programs.

Doctors, hospitals, and other health care providers are defrauding patients, the government and private insurance companies at the rate of $200 million every day.

The federal and state governments spent over $300 billion on health care last year, $30 billion of which went to fraud.

If the government could cut its losses from health care fraud by just one third, the savings could pay for all of the following programs: health insurance for all children and pregnant women currently uninsured; doubling federal funding for AIDS research; and, food and nutrition education for all poor children and pregnant women who are eligible but who do not currently receive such services.

The federal agency that runs Medicare and Medicaid (the Department of Health and Human Services) has only 268 agents nationwide—to monitor over $400 billion in federal spending on health care, social security and other programs.

On average, 10% of each American's health insurance premiums goes to pay for fraudulent claims.

A single fraud scheme in California involved over $1 billion in false claims for medical services.

Investing in anti-fraud activities can produce four dollars in savings—recoveries from fraudulent crooks—for every dollar spent.

THE HEALTH-CARE FRAUD PROSECUTION ACT OF 1992

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title.

This section provides that the Act may be cited as the "Health Care Fraud Prosecution Act of 1992."

Section 2. Increased Penalties for Health Care Fraud.

Health-care fraud may cost as much as 50 billion dollars per year, according to the Health Insurance Association of America. The "Health Care Fraud Prosecution Act of 1992" (the "Act") addresses this problem on a number of fronts, including increased penalties, mandatory restitution, and new investigative tools for federal law enforcement agencies.

Section 2 of the Act would establish a new chapter in title 18 of the United States Code to increase penalties for serious health-care fraud schemes. The proposed section 1101 of title 18, United States Code, would establish a new criminal prohibition of major health care fraud and, in conjunction with the proposed 18 U.S.C. §1102, would increase penalties for such fraud. It would cover health care fraud where the cost of the fraud is greater than $10,000 or where the defendant health care provider has previously been convicted of fraud in state or federal court. The thresholds were established to limit the application of the enhanced penalties to the most serious cases of health care fraud.

This new criminal prohibition on health care fraud would not increase federal criminal jurisdiction because it requires that there be an underlying violation of the existing mail or wire fraud statutes. See 18 U.S.C. §§1341, 1343. Currently most health care fraud is prosecuted under these statutes.

The new section 1102 would set forth the penalties for various types of health-care fraud offenses. The mail fraud statute, under which most health care fraud currently is prosecuted, allows a maximum penalty of five years imprisonment. 18 U.S.C. §1341. The new section 1102 would increase the maximum penalty for major health care fraud to ten years imprisonment. If the fraud caused serious physical injury to a patient or endangered a patient's life, the maximum penalty would be twenty years. If the fraud caused the death of a patient, the maximum penalty would be life imprisonment. This provision is similar to federal penalties under the Controlled Substances Act (21 U.S.C. Sec. 801 et seq.), which provides for life imprisonment for drug trafficking where the offense causes the death of another person. See e.q., 21 U.S.C. §841(b)(1)(A). The maximum criminal fine for health care fraud would be $250,000. See 18 U.S.C. §3571(b)(3).

Under current law, sentencing courts have the discretion to decide whether to require restitution from criminal defendants. 18 U.S.C. §3556. The new section 1103 would require courts to order that individuals and corporations convicted of health care fraud pay restitution to patients and to the federal government for any losses due to the fraud. Sentencing courts would retain the discretion to decide whether to require convicted defendants to pay restitution to state governments, insurance companies and others harmed by the fraud.

Section 3. Civil and Criminal Forfeiture of Fraud Proceeds.

Health care fraud—illegally extracting payments from patients, the government and health insurance companies—is a crime motivated by greed. This provision would make it easier for law enforcement to seize that which motivated the crime: the proceeds from the fraud.

Section 3, subsection (a), of the Act would amend 18 U.S.C. §981 and allow the U.S. government to forfeit civilly the proceeds from health care fraud. This provision is narrower than the federal civil drug forfeiture law, 21 U.S.C. §881, which permits forfeiture of any real property which is used to facilitate a drug crime. Subsection (a) tracks the language for civil forfeiture of the proceeds of financial institution fraud. See 18 U.S.C. §981(a)(1)(C).

Subsection (b) would amend 18 U.S.C. §982 and allow the government to forfeit criminally the proceeds from health care fraud. This provision tracks the language for criminal forfeiture of the proceeds of financial institution fraud. See 18 U.S.C. §982(a)(2).

Section 4. Rewards for information leading to prosecution and conviction.

Law enforcement officials rely on tips from patients, health care insiders and others to discover much of the health care fraud that they prosecute. This provision would aid law enforcement by providing an incentive for informers to come forward with information about health care fraud. It would amend 18 U.S.C. §3059 and authorize the Attorney General to award up to $10,000 for information about health care fraud. Rewards could not be granted to those who knowingly participated in the illegal activity or to government employees who learned the information in the course of their employment. This provision generally tracks the language of 18 U.S.C. §3059A, which authorizes rewards for information about financial institution offenses.

Section 5. Authorization of Appropriations.

Section 5 of the Act would increase funding for prosecutors, FBI agents, and other federal investigators to investigate and prosecute health-care fraud cases.

The Act authorizes $22,500,000 to hire, equip, and train not less than 225 new FBI special agents and support staff. This level of funding would provide sufficient resources to establish a four-person health-care fraud "working group" in each of the FBI's 56 field offices. The authorization, however, gives the FBI Director discretion as to the actual allocation of FBI agents among field offices.

The Act authorizes an additional $5,000,000 to hire not less than 50 additional Assistant United States Attorneys (AUSA) to prosecute health-care fraud cases. This level of funding provides one additional AUSA for every 4–5 new FBI special agents.

Finally, the Act authorizes $2,500,000 to hire, equip, and train not less than 25 additional investigators in the Office of Inspector General in the Department of Health and Human Services. Numerous studies have documented that there are an insufficient number of HHS investigators to track down health-care fraud cases.

Section 6. Broadening Application of Mail Fraud Statute.

Businesses, including those involved in health care, are increasingly using private interstate carriers as an alternative to the postal service for the delivery of correspondence, documents and goods. This section would expand application of the mail fraud statute to include deliveries by private interstate carriers. This language is identical to that in section 2203 of the 1991 Crime Bill Conference Report.

NATIONAL ASSOCIATION FOR HOME CARE,
Washington, DC, April 24, 1992.

Hon. JOSEPH R. BIDEN, Jr.,
U.S. Senate, Washington, DC.

DEAR SENATOR BIDEN: Thank you for the opportunity to comment on the Health Care Fraud Prosecution Act of 1992. The National Association for Home Care [NAHC] is the nation's largest professional association representing providers of in-home health care and supportive services to the ill and disabled. On behalf of our 6,000 member organizations we commend you on your efforts to prevent and prosecute health care fraud.

As health care costs skyrocket and as Congress looks to find the dollars to enact comprehensive health care reform and long-term care legislation, it is particularly crucial that the dollars that are being spent by the Federal government go to legitimate care of appropriate beneficiaries. Your legislation would go a long way to help to ensure this objective. We support and applaud your efforts and would be proud to work with you on this legislation.

Please call upon us for whatever assistance you might need.

Sincerely,

DAYLE BERKE,
Director of Government Affairs.

THE SENIORS COALITION,
April 28, 1992.

Senator JOSEPH R. BIDEN, Jr.,
U.S. Senate, Washington, DC.

DEAR SENATOR BIDEN, we at the Seniors Coalition applaud your legislation "The Health Care Fraud Prosecution Act of 1992" which will punish those health care providers who commit fraud not only against the elderly, who are hurt most, but all American taxpayers.

It is critical that health care cost be brought under control and it makes a great deal of sense to begin by tackling issues such as health care fraud.

The Seniors Coalition believes that passage of this legislation will not only cut the cost of health care, but help restore integrity to, and faith in, the health care profession.

I might add that increasing prosecution of health care fraud is a key part of our own health care proposal put together with the help of our membership and recently published in our newspaper the Senior Class.

We pledge our support and hope that Congress will move quickly to approve "The Health Care Fraud Prosecution Act of 1992."

Sincerely,

JAKE HANSEN
Executive Director.

By Mr. BRADLEY:

S. 2653. A bill to amend the Wild and Scenic Rivers Act by designating certain segments and tributaries of the Delaware River in Pennsylvania and New Jersey for study for potential addition to the National Wild and Scenic Rivers System and by authorizing the Secretary of the Interior to designate as components of the National Wild and Scenic Rivers System those segments and tributaries that the Secretary determines are eligible for designation, and for other purposes; to the Committee on Energy and Natural Resources.

DELAWARE RIVER WILD AND SCENIC RIVER ACT

• Mr. BRADLEY. Mr. President, I rise today to introduce legislation which could lead to the protection and preservation of much of the Delaware River between Washington Crossing, NJ, and the Delaware Water Gap. This legislation calls for the Park Service to initiate the process to designate this stretch of the river as an addition to the Nation's inventory of wild and scenic rivers.

The bill is intended to complement the work begun in the House of Representatives by Congressman KOSTMAYER. For over a decade, the Congressman has shown real leadership on the issue of river protection and, recently, his bill—H.R. 3457—was passed by the House. It is time for the Senate to act.

My bill is not identical to Congressman KOSTMAYER's. While the river segments referred to in both bills are similar, my bill considers a larger stretch of the Delaware River. This legislation includes parts of the river in northern Hunterdon and Warren Counties that are still relatively pristine and probably deserve additional protection. Additionally, the Kostmayer legislation calls for immediate designation of 31 miles of the river as wild and scenic. The bill I'm introducing reflects the comments of the New Jersey Department of Environmental Protection and Energy [NJDEPE] and calls for a study period prior to designation. This study will allow for an assessment of detailed data on the historic and ecological values. But, just as important, it will allow for the public meetings and comments that are so necessary to the development of a feasible and effective management plan. Such a plan, which forms the heart of an overall preservation effort, must be based in the understanding and commitment of the local citizens. It is on them that much of the responsibility for protection falls.

Today I am introducing legislation that accepts the recommendations of the NJDEPE. However, I have also talked with Congressman KOSTMAYER and find many of his arguments for a more ambitious strategy compelling. Mr. President, I will be urging my colleagues on the Senate Energy Committee to hold a hearing on this issue at the earliest opportunity. I will look closely at that hearing and the comments we receive for guidance as to what is ultimately the best path to proceed by.

These stretches of the Delaware River are within an hour or two drive of roughly 25 million Americans, and it must be considered in this context. This is not Idaho or Montana. People have been settled in the Delaware River valley for over 300 years. Yet it is hard to travel this riverway and not feel compelled by its lasting beauty and rustic nature. On its banks are still rolling hills and forests, farms, and sleepy country towns. It may not be completely undeveloped, but it is largely unspoiled.

This river should not be overlooked or disregarded because of its long history. On the contrary, its situation and history provide the rationale for preservation and protection.

Mr. President, I will push for hearings and action on this bill as soon as possible. I ask unanimous consent to print the text of the bill following my remarks.

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

S. 2653

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Delaware River Wild and Scenic River Act of 1992".

SEC. 2. WILD AND SCENIC RIVER DESIGNATION.

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

"(_____) DELAWARE RIVER, PENNSYLVANIA AND NEW JERSEY.—(A) The river segments and tributaries designated for potential addition to the National Wild and Scenic Rivers System by the amendment made by section 3(a) of the Delaware River Wild and Scenic River Act of 1992 that are determined eligible by the Secretary of the Interior in accordance with the amendment made by section 3(b) of such Act, to be administered by the Secretary of the Interior.

"(B)(i) In preparing the comprehensive management plan for the segments and tributaries described in subparagraph (A), the Secretary of the Interior shall work in conjunction with appropriate Federal, State, regional, and local agencies, including—

"(I) the Pennsylvania Department of Environmental Resources;

"(II) the New Jersey Department of Environmental Protection and Energy;

"(III) the Delaware River Basin Commission; and

"(IV) the Delaware and Raritan Canal Commission.

"(ii) In preparing and implementing the comprehensive management plan for the segments and tributaries described in subparagraph (A), the Secretary of the Interior shall—

"(I) consider existing State and local regulation and avoid creating duplicative regulatory authority; and

"(II) consider public input from conservation organizations, watershed associations, and private landowners.

"(C) The designation of the segments and tributaries described in subparagraph (A), and any subsequent management or development plan prepared to implement the designation, shall not be used in a proceeding or otherwise to—

"(i) preclude, prevent, restrict, or interfere with—

"(I) the completion, continued or changed operation, maintenance, repair, reconstruction, replacement, or modification of—

"(aa) the Gilbert Generating Station and associated facilities;

"(bb) the Point Pleasant Pumping Station and associated facilities; or

"(cc) any other water supply intake, waste water outfall, or pipeline crossing in existence on the date of enactment of this paragraph; or

"(II) the licensing, permitting, relicensing, or repermitting of any station or associated facility described in item (aa) or (bb) of subclause (I); or

"(ii) preclude or interfere with the licensing, permitting, construction, operation, maintenance, repair, relicensing, or repermitting of any addition to any facility described in item (aa) or (bb) of clause (i)(I), if—

"(I) the addition is outside the boundaries of the segments and tributaries described in subparagraph (A);

"(II) impounded backwater from the addition does not intrude on a segment or tributary described in subparagraph (A); and

"(III) the recreational, geologic, fish and wildlife, historic, cultural, and other similar values present in the segments and tributaries described in subparagraph (A) on the date of enactment of this Act are not unreasonably diminished by the addition.

"(D)(i) Subject to clause (ii), the designation of the segments and tributaries described in subparagraph (A), and any subsequent management or development plan prepared to implement the designation, shall not be used in a proceeding or otherwise to preclude, prevent, restrict, or interfere with—

"(I) the present or future access to, or operation, maintenance, repair, reconstruction, replacement, or modification of, any electric or gas transmission or distribution line across the segments and tributaries described in subparagraph (A); or

"(II) the licensing, permitting, relicensing, or repermitting of any electric or gas transmission or distribution line across the segments and tributaries described in subparagraph (A).

"(ii) Each electric or gas transmission or distribution line constructed across a segment or tributary described in subparagraph (A) after the date of enactment of this paragraph shall be located no further than ½ mile from the centering of any transmission or distribution line across the segment or tributary as in existence on the date of enactment of this paragraph.".

SEC. 3. WILD AND SCENIC RIVER STUDY.

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

"(_____) DELAWARE RIVER, PENNSYLVANIA AND NEW JERSEY.—(A) The approximately 7.2-mile segment from the Erie Lackawanna Railroad Bridge to the northern border of the town of Belvidere, New Jersey.

"(B) The approximately 12.5-mile segment from the southern border of the town of Belvidere, New Jersey, to the northern border of the city of Easton, Pennsylvania.

"(C) The approximately 9.5-mile segment from the southern border of the town of Phillipsburg, New Jersey, to a point just north of the Gilbert Generating Station.

"(D) The approximately 14.2-mile segment from a point just south of the Gilbert Generating Station to a point just north of the Point Pleasant Pumping Station.

"(E) The approximately 6.5-mile segment from a point just south of the Point Pleasant Pumping Station to the north side of the Route 202 bridge.

"(F) The approximately 6-mile segment from the southern boundary of the town of New Hope, Pennsylvania, to the town of Washington Crossing, Pennsylvania.

"(G) The Cook's Creek tributary.

"(H) The Tinicum Creek tributary.

"(I) The Tohickon Creek tributary.".

(b) ELIGIBILITY STUDY AND REPORT.—Section 5(b) of such Act (16 U.S.C. 1276(b)) is amended by adding at the end the following new paragraph:

"(_____)(A) The study of the river segments and tributaries designated for potential addition to the National Wild and Scenic Rivers System by the amendment made by section 3(a) of the Delaware River Wild and Scenic River Act of 1992 shall—

"(i) be completed and the report submitted to Congress not later than 1 year after the date of enactment of this paragraph; and

"(ii) include a determination of the eligibility (in accordance with subparagraph (B))

of each segment and tributary for designation as a component of the National Wild and Scenic Rivers System.

"(B) A segment or tributary described in subparagraph (A) shall be eligible for designation as a component of the National Wild and Scenic Rivers System if the segment or tributary—

"(i) is free-flowing;

"(ii) possesses in conjunction with related adjacent land areas at least one recreational, geologic, fish and wildlife, historic, cultural, or similar value that the Secretary of the Interior determines to be outstanding;

"(iii) is largely undeveloped; and

"(iv) meets such other criteria as the Secretary of the Interior determines to be appropriate.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act and the amendments made by this Act.•

By Mr. DECONCINI:

S. 2654. A bill to amend the Land and Water Conservation Fund Act of 1965 to ensure efficient funding for Federal and State projects and for maintenance and security needs, to encourage multipurpose acquisitions, and for other purposes; to the Committee on Energy and Natural Resources.

LAND AND WATER CONSERVATION FUND AMENDMENTS

• Mr. DECONCINI. Mr. President, the events of the past week on the west coast have reinforced the conviction in my mind that there is a need for this country to reorder its own priorities. We in Congress must accept the responsibility of leading that change. Today, I propose a small step down that new road. I do not pretend that it will solve all our problems. I ask, however, that we begin.

Today, as a small, but significant step in that direction, I am introducing the Land and Water Conservation Fund Amendments of 1992. This legislation will require that we live up to the commitment we made to all of our citizens to provide outdoor recreation opportunities. While an unfortunate and tragic coincidence, what happened in Los Angeles last week points, at least in part, to the need for this legislation. We must refocus our attention to the needs of our cities.

The land and water conservation fund was established in 1964 to fund Federal and State programs for outdoor recreation. Sources of funding were provided, including user fees and surplus property sales. Most importantly, revenue from offshore oil and gas leasing activities was provided as a principal source of revenue for the land and water conservation fund. By doing this, Congress provided that the depletion of one nonrenewable public resource—offshore oil and gas deposits—would be earmarked as the means by which our most important and indefinitely renewable resource—our people—would receive opportunities for healthy, safe, outdoor recreation.

We can provide those opportunities and meet the needs of our citizens for recreation even in tough economic times. This year, it is estimated that revenue produced from all of the funding sources which support the land and water conservation fund activities will be nearly $880 million. Current law sets the annual appropriation ceiling for Federal and State purposes at $900 million. However, the President requested in his fiscal year 1993 budget only $366 million, and most of that is for Federal land acquisitions. The land and water conservation fund presently reflects a cumulative balance at the end of the year of $8.5 billion which should have been available for State and Federal outdoor recreation purposes.

The land and water conservation fund has been the principal source of funding for national parks, national recreation areas, wildlife refuges, wetlands protection, and other important Federal land acquisitions since 1964. No one, least of all this Senator, would deny that the fund has been of inestimable public benefit to our country. However, serious problems have crept into the process of administering the fund. Over the years, those problems have grown to a point where, in my opinion, legislation is required to fix them.

This legislation is not intended in any way to disparage our national goals of protecting wildlife habitat and wilderness areas; rather, it is intended to redress other areas of recreation opportunities that have been neglected in the recent past. To make my point, I need simply ask what we spent in inner-city Los Angeles or surrounding communities while we were spending millions in acquiring Federal land in the Santa Monica Mountains? There are lists of projects in that area for picnic tables, playgrounds, playing fields, and for improved handicapped access that went—and are going—unfulfilled. Could we have helped change the face of past days, even a little?

The problems can be very simply stated:

First, although the land and water conservation fund was originally created to respond to a clearly identified need to supply present and future outdoor recreational opportunities for our people and to meet those needs through a partnership between Federal, State, and local agencies, we have allowed ourselves to be diverted from the original goals and partnership. We have focussed almost solely on the Federal land acquisition side of that relationship. In recent years, virtually all the money was spent to buy land for Federal agencies to manage. Very little money since 1980, and less and less more recently, was channeled through the State grants program for State and local projects. That imbalance in the distribution of the funding has left the majority of our citizens with less real access to outdoor recreation than the original land and water conservation fund intended. We must correct that imbalance.

State projects are varied. Many, if not most, involve the purchase and development of parks. Some State park projects are large. Some park projects include large-scale facilities such as marinas or multiple playing fields. Some parks are specialized, protecting archeological or cultural sites or specific natural resources. Some projects are within or adjoining already established areas and are smaller in scale. These projects range from paved or graveled paths, seating, and lighting to providing picnic tables, restrooms, playgrounds, or updating playground equipment. Most State or local projects include more than one type of activity and incorporate not only needs for many kinds of human activities, but also environmental goals such as wetland protection, urban habitats for wildlife, or reintroduction of wildlife to areas. Projects may be targeted for urban areas now rundown or blighted and in need of restoration and revitalization. Small rural areas and communities in need of recreational resources for their children and older citizens also benefit from the stateside component of the land and water conservation fund. These projects are all a real investment in the basic infrastructure of our Nation and our communities.

Second, vast revenues are produced every year, primarily from depletion of the public resources in oil and gas on the Outer Continental Shelf. Those revenues were originally intended to fund our investment in public recreation. Literally billions of dollars are reported to have been collected from the sales or receipts of disposal of public property or resources. That money should have gone to alleviate the human needs for the public health and social benefits supplied from recreational opportunities furnished through the fund. We did not spend that money for the purposes which we, or our predecessors in Congress, had set for it. Instead, the President did not request and the Congress did not appropriate funds near the annual ceilings set for land and water conservation fund purposes. The result is that, although the Federal acquisition side received many times what the States did, neither Federal nor State agencies received what they could have—and were intended to receive. I am deeply troubled by the fact that, despite many hearings held on other legislation affecting the land and water conservation fund, it is still not clear exactly where all the nonappropriated funds were spent. We seem only to know that we did not spend them on the permanent investment in our people and their access to recreational resources. We have the obligation to correct that problem.

Third, although our native American and Alaska Native citizens are entitled

to derive benefits from the fund, it has never been clear how tribal governments could participate in obtaining grant funding for the needs of their people. We must address that problem as well. We need to clearly set out a process by which our first citizens can receive funds for their programs without infringing on their right to express their inherent tribal sovereignty.

I would like now to provide the historical backdrop for the establishment of the land and water conservation fund.

In 1958, Congress enacted legislation authorizing the Outdoor Recreation Resources Review Commission. We charged it to determine needs of the United States for outdoor recreation through the year 2000. The Commission performed its work admirably and gave us its final report in 1962. The Commission found, among other things, a swift growth in demand for recreational opportunities after World War II which was not being met with adequate funding for the acquisition and development of recreational facilities. The Commission found outdoor recreation opportunities to be a public health requirement, and an essential public service deserving full consideration in the budget process. One of the recommendations made by the Commission was a Federal program of grants-in-aid to provide matching funds to States to stimulate recreation planning and to assist in the development of facilities and land for public outdoor recreation. In response to the Commission's report in 1964, Congress enacted the land and water conservation fund.

Since 1964, public needs for outdoor recreation have grown phenomenally, far beyond what anyone could have foreseen after World War II. In a society that spends most of its working life indoors, seated, outdoor recreation is not merely desirable, it is a real necessity of life. Health experts tell us that we will all die younger, sooner, if we do not exercise. We all need safe places to jog, to walk, to swim, or to row. Mentally and spiritually, we desperately need urban parks with trees and flowers and birds to restore the equilibrium of our spirits.

Today, even more than in 1964, we are a society that increasingly is bound to an urban, concrete existence. There are increasing numbers of children and young adults with nothing to do and no where to go in their leisure time. The energy level of these young bodies is as high as it has always been. Yet, there are fewer healthy, safe, and beneficial ways to use that energy. I do not say that outdoor recreation is a salvation alone in the face of drugs, depression, and despair. However, we can show that in cities where we offer meaningful outdoor recreational opportunities for their youth, gang-related activities go down, crimes of vandalism go down. Our youth need open space and recreation—and we owe it to them and to ourselves to provide it. If building a park or a playground or providing a swimming pool or a basketball court will keep youngsters off street corners and involve them in something better than gangs, I say—let's do it.

I am sure that there will be those people who will say that what I propose is frivolous. Some people will even say that what I propose cannot be done except at the expense of other very worthwhile projects. Well, I do not think that living up to the purpose of providing a permanent, long-term capital investment in the healthy environment of our country and the health of our citizens is frivolous. I believe that our people, our landscape, and our society are very serious topics, and I think they are worth the money. For the foreseeable future, the leasing of the public oil and gas resources offshore is going to continue and already leased lands are going to produce large amounts of money. Mr. President, I firmly believe that money produced from depletion of a resource belonging to all the people should be reinvested in outdoor recreation areas and developments which are a part of the permanent estate of this Nation. That money should buy assets for the use, benefit, and enjoyment of all its citizens now and in the future.

For those who say this cannot now be done, because in recent years that money has been diverted to other things and those other programs are now dependent on that money, I say, "what things," and "how much" are those programs receiving? It may very well be that the priorities should be changed. It is certainly true that until we know where the excess funds we left unappropriated for Federal, State, and local outdoor recreation uses were in fact used, we can make no good judgments on the priorities which should be met. In the meantime, we do know what we should have been doing, and what we did not do. I think it is appropriate to make a serious course correction now in favor of a healthy people and a healthy environment.

I also want to remind my colleagues of another fact—the mere acquisition of land does not ensure access or use. Land acquisition in and of itself does not create jobs. However, when land or water interests are acquired for a public recreation purpose, jobs are created. There is work in planning and appraising. Building parks and facilities employs construction workers, and running parks and facilities requires additional manpower for myriad other services. The existence of parks and recreation facilities in urban and suburban areas increases property values. In short, spending money to acquire lands and waters and to develop recreational facilities, especially near population centers, is good economics. Since State projects require matching funds to qualify for Federal funding under the land and conservation fund, this economic return is relatively quick. Jobs can be created within 2 to 5 months for a project receiving approval for funding. I do not say that increasing the State grants-in-aid program will solve our Nation's economic ills or eliminate unemployment. I can state that legislation increasing State grants can be a component of local economic recovery. Every job counts to the man or woman who needs one. Each job we create, even indirectly, is one more ray of hope for a person.

The preference for Federal expenditures over State grants exists despite the fact that States must provide matching funds on a 50/50 basis for their projects. Today, I can show you two thick documents which States have presented that list more than 1,000 recreational projects for which they have already guaranteed matching funding of $500 million. Those projects cannot be implemented because there is no matching Federal appropriated grant funding from the land and water conservation fund. These are projects which people need. They are often projects which would provide immediate local jobs as well as recreational opportunities. These are projects which State and local officials tell us could decrease crime in their cities. But, these State projects are not being funded, and they should be.

I want to be very clear. I am not proposing that we cease Federal land acquisitions. I am not proposing that we cut funding for Federal purposes. I do say, very bluntly, that we can make the pie bigger and we can be sure that all of our citizens and their representative interests have an equitable portion of that pie. If the pie is bigger, even if the State grants-in-aid program receives a larger proportion, the actual dollars going to the Federal side of the partnership will not be decreased. It is to solve the problems I have noted that I am today introducing the Land and Water Conservation Amendments of 1992.

My legislation requires us to spend from the steadily flowing revenues produced from the depletion of the public resources an amount of money each year equal to at least twice what we appropriated for the programs authorized under the land and water conservation fund this year. I suggest that we set for ourselves the goal of annually appropriating near the authorized ceiling, based upon the actual revenue which comes in. My legislation requires that we divide that larger sum equally between Federal land acquisitions and the State-grants-in-aid program. I have made provision for allowing our native American citizens to participate in the fund, and I have allowed the agencies who administer the funds a wider option of utilizing nonprofit organizations to plan and de-

velop projects, provided title to lands and waters purchased are forever restricted for public use and benefit.

I introduce this legislation to correct existing problems and to return to the original intention of the land and water conservation fund. We can afford to do what we should have done for years, give all of our citizens chances for safe and healthy lives that include outdoor recreation. I hope that my colleagues will join me in passing this legislation.

Mr. President, I ask unanimous consent that letters of support from the National Recreation and Parks Association, the National Association of State Outdoor Recreation Liaison Officers, the Governor of my own State of Arizona, and the Governors of Arkansas, Florida, Idaho, Kansas, Montana, Nevada, Rhode Island, South Dakota, and Wyoming be included in the RECORD at this point.

Mr. President, I also ask unanimous consent to include in the RECORD a summary of my legislation and the full text of the bill.

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

S. 2654

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Land and Water Conservation Fund Amendments of 1992".

SEC. 2. FINDINGS, PURPOSES, AND POLICY.

(a) FINDINGS.—Congress finds the following:

(1) The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.) was enacted to assist in preserving, developing, and assuring accessibility to all citizens of the United States of the present and future generations, such quality and quantity of outdoor recreation resources as are desirable for individual active participation in recreation and to strengthen the health and vitality of the citizens.

(2) In order to accomplish the purposes of such Act, Congress authorized funding to assist variously in the planning, acquisition, and development of necessary land and water areas by government agencies.

(3) The States and local governments occupy a pivotal role in accomplishing the purposes of such Act.

(4) Restoration of the existing recreation infrastructure and expansion of State and local recreation resources to meet population increases and demographic changes require a secure and predictable base of funding.

(5) In order for adequate public recreation uses to continue, Federal, State, and local resources are in need of maintenance, rehabilitation, and construction.

(6) The continuing decay of public structures and systems necessary for recreation uses has now reached emergency proportions across the United States and necessitates immediate corrective action by Congress.

(7) Congress intended that outdoor recreation investments in public lands and waters and selected facilities be funded through the Land and Water Conservation Fund from—

(A) receipts produced from those investments;

(B) revenue produced from Outer Continental Shelf leases and royalties, which reflects the depletion of a nonrenewable natural resource; and

(C) proceeds from sales of surplus Federal property.

(8) Congress intended that the revenue produced from offshore oil and gas leases and royalties and the depletion of the nonrenewable natural resource result in a legacy of public places accessible for public recreation use and benefit from resources belonging to all people, of all generations, and the enhancement of the most precious and most renewable natural resource of any nation—healthy and active citizens.

(9) The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.) originally provided an equitable proportion of funds guaranteeing the States, and through the States, local governments, 60 percent of available funds in recognition of their pivotal role in providing realistically available public outdoor recreation.

(10) The original intention of such Act has not been carried forward in practice.

(11) Subsequent amendments to such Act have resulted in a significant reduction in the proportion of funds allocated to the States relative to the proportion available for Federal purposes.

(12) The States have not received an equitable proportion of funds sufficient to encourage the public recreational partnership envisioned by Congress or consistent with the State and local pivotal roles in providing public outdoor recreation.

(13) It is necessary to rectify apportionment of available funds in order to carry forward the original intention of such Act, for States to receive their full share, and to avoid a long-term national deficit of recreation investment.

(14) Sufficient revenue is produced annually from the sources identified for the Land and Water Conservation Fund to provide for equitably proportioned funds for the Federal, State, and local outdoor recreation uses originally intended by Congress without the need to resort to other funding or to impact one use at the expense of the others.

(15) In addition to the benefits of recreation to public health, recreation and the availability of recreation resources are effective in lowering vandalism and juvenile crime, and provide healthy environments for public accommodation, enjoyment, and exercise.

(16) Urban and land use planners urgently recommend the increased use of "green spaces" in urbanized areas in order to mitigate environmental and population impacts and to protect surface and subsurface waters and wetlands that occur in or near large populated areas.

(17) The population of the United States continues to expand while access to open space continues to decrease in many regions of the United States, especially in and near metropolitan areas.

(18) State governments and local communities are increasingly hard-pressed to provide adequate funds for recreation and for environmental protection and resource conservation.

(19) The recreation and open space needs of States and local communities represent a more dynamic and fluid environment that requires greater flexibility in the ways in which Federal funds can be used by States and communities.

(20) Sound environmental practices, urban planning and emergency preparedness, and recreation are compatible and consistent uses of public lands and resources and should be actively encouraged in the planning, development, and acquisition of lands and waters for public access and for recreation.

(b) PURPOSE.—The purposes of this Act are—

(1) to strengthen the dedication of the United States to the goal of providing adequate recreation opportunities to all citizens; and

(2) to ensure that—

(A) adequate facilities are created and maintained on public lands and waters to facilitate recreation opportunities consistent with the purposes for which the lands and waters are acquired;

(B) whenever possible multipurpose planning occurs to coordinate between the Federal Government and the States the expenditures of public funds for both wise acquisition and use of lands and waters for recreation uses and compliance with laws protecting the environment and public health; and

(C) the public lands and waters acquired for recreation are preserved, conserved, and maintained for present and future uses of citizens of the United States.

(c) POLICY.—It is the policy of Congress that—

(1) funds covered into the Land and Water Conservation Fund should to the extent possible be fully appropriated within the authorization for each fiscal year;

(2) all funds appropriated should be disbursed in accordance with the formula established in section 6(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(b)) so that the State and local governments receive an equitable portion of funds in recognition of their pivotal role in establishing, maintaining, and preserving meaningful recreation opportunities for all citizens; and

(3) in expending funds for recreation purposes, both the Federal Government and the States should—

(A) to the greatest extent possible recognize that lands and waters appropriate for recreation can simultaneously serve other necessary and desirable environmental or public health or safety purposes; and

(B) accord a priority to the acquisition of lands and waters that serve these multipurpose uses.

SEC. 3. APPROPRIATIONS FROM AND ALLOCATION OF FUND.

Section 5 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-7) is amended—

(1) by designating the first and second sentences as subsection (a);

(2) by designating the third through last sentences as subsection (b); and

(3) by striking subsection (a) (as so designated) and inserting the following new subsection:

"(a)(1) There shall be submitted with the annual budget of the United States a comprehensive statement of the estimated requirements during the ensuing fiscal year for appropriations from the fund for land acquisition by eligible Federal agencies pursuant to section 7 and for land acquisition by States and local governments pursuant to section 6.

"(2) For each fiscal year, there shall be made available from the fund an amount that is not less than twice the amount that was made available to carry out section 7(a)(1) for fiscal year 1992.

"(3)(A) Subject to subparagraph (B), and in each fiscal year, 50 percent of the estimated requirements referred to in paragraph (1) shall be designated for, and 50 percent of the amounts made available from the fund shall

be used to carry out, Federal purposes as described in section 7.

"(B) If the requirement of subparagraph (A) with respect to amounts made available from the fund is not met, funds made available for Federal purposes as described in section 7 shall be reduced and funds made available for financial assistance to States pursuant to section 6 shall be increased so that the amounts are equal.".

SEC. 4. FUNDS FOR INDIAN TRIBES.

Section 6(b)(5) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(b)(5)) is amended—

(1) by inserting "(A)" after "(5)"; and

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

"(B)(i)(I) For the purposes of paragraph (1), all federally recognized Indian tribes and Alaska Native Village Corporations (as defined in section 3(j) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(j)) (except for those tribes and Village Corporations that enter into agreements pursuant to clause (ii)) shall be treated collectively as one State and shall receive shares of the apportionment under paragraph (1) in accordance with a competitive grant program established by the Secretary by rule in accordance with subclause (II).

"(II) The rule shall ensure that in each fiscal year no single tribe or Village Corporation receives more than 10 percent of the total amount made available to all tribes and Village Corporations pursuant to the apportionment under paragraph (1).

"(III) Funds received by an Indian tribe or Village Corporation under this clause may be expended only for the purposes specified in paragraphs (1) and (3) of subsection (a).

"(ii)(I) In each fiscal year, in lieu of receiving funds under clause (i), a tribe or Village Corporation may establish by written agreement with the State in which the tribe is located the right of the tribe or Village Corporation to compete for a portion of the funds made available to the State pursuant to this section.

"(II) Each State's comprehensive statewide outdoor recreation plan shall describe any agreement entered into pursuant to subclause (I).".

SEC. 5. MULTIPURPOSE ACQUISITIONS BY STATES.

Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8) is amended—

(1) in subsection (c)—

(A) in the first sentence, by striking "Payments" and inserting "(1) Except as provided in paragraph (2), payments"; and

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

"(2)(A) Notwithstanding subsection (f)(3), payments to a State shall cover not more than 80 percent of the cost of each acquisition project undertaken by the State that—

"(i) is a multipurpose project in that the lands or waters to be protected are identified in a State or local recreation resource plan prepared pursuant to subsection (d), or a comparable public document, as appropriate for multiple public purposes in accordance with subparagraph (B); and

"(ii) is granted a high priority in the State's comprehensive statewide outdoor recreation plan prepared pursuant to subsection (d).

"(B) A project is appropriate for multiple public purposes if the project provides public recreation use and—

"(i) provides a natural or landscaped alternative transportation route;

"(ii) provides wildlife habitat;

"(iii) results in the improvement of air and water quality;

"(iv) results in increased flood control;

"(v) results in enhanced social, aesthetic, or environmental conditions in a neighborhood or community;

"(vi) provides other attributes of recreation space important to human health and welfare;

"(vii) enables the State or unit of local government to comply with a Federal, State, or local law that serves an environmental, public health, or public safety purpose; or

"(viii) meets more than one of the conditions described in clauses (i) through (vii).";

and

(2) in subsection (e)(1)—

(A) by designating the first and second sentences as subparagraphs (A) and (C), respectively; and

(B) by inserting after subparagraph (A) (as so designated) the following new subparagraph:

"(B) Notwithstanding subsection (b)(2), in providing financial assistance for acquisitions, the Secretary shall give highest priority to projects described in subsection (c)(2).".

SEC. 6. MAINTENANCE AND SECURITY NEEDS AND SHELTERED FACILITIES FOR STATES.

Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8) is amended—

(1) in subsection (a), by striking "or (3) development" and inserting "(3) development, (4) maintenance, or (5) security"; and

(2) in subsection (e)—

(A) in paragraph (2), by striking ": *Provided*," and all that follows through the end of the paragraph and inserting a period; and

(B) by adding at the end the following new paragraphs:

"(3) MAINTENANCE, SECURITY, AND SHELTERED FACILITIES.—(A) Subject to subparagraph (B)—

"(i) for maintenance of facilities acquired and developed with financial assistance provided pursuant to this section;

"(ii) for costs of law enforcement and security personnel and other security measures that are necessary to ensure safe public access to and recreation use of lands and waters acquired with financial assistance provided pursuant to this section, except that not more than 10 percent of the funds used to carry out this clause may be used for personnel costs; and

"(iii) for development of sheltered facilities for public health or safety in connection with projects otherwise eligible for assistance under this section, including facilities for swimming pools and ice skating rinks in areas where the Secretary determines that the severity of climatic conditions and the increased public use made possible by the facilities justifies the construction of the facilities.

"(B) In each fiscal year, the Secretary may allocate not more than 30 percent of the total amount of financial assistance provided to each State for the purposes described in subparagraph (A).".

SEC. 7. PAYMENTS TO PRIVATE NONPROFIT ORGANIZATIONS.

Section 6(f)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(f)(2)) is amended—

(1) by designating the first and second sentences as subparagraphs (A) and (B), respectively; and

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

"(C)(i) If consistent with an approved project, the State, political subdivision, or other appropriate public agency receiving funds pursuant to this paragraph may transfer funds to be used in accordance with clauses (ii) and (iii) to a private nonprofit organization that meets the requirements of clause (iv).

"(ii) Funds received pursuant to clause (i)—

"(I) may be used for projects approved in writing by the grantor of the funds and only in association with—

"(aa) the acquisition of lands or interests in lands; and

"(bb) the development of recreation facilities; and

"(II) may not be used for administrative expenses.

"(iii) A private nonprofit organization that uses funds for acquisition shall itself hold, or shall convey in perpetuity in a timely manner, for public benefit, such interest as it may acquire to a recipient determined to be appropriate by the grantor of the funds.

"(iv) A private nonprofit organization may receive funds pursuant to clause (i) if the organization—

"(I) is qualified for exemption from income taxes under section 501(c)(3) of the Internal Revenue Code of 1986;

"(II) includes among its purposes the conservation of recreation resources or the providing of, or enhancement or protection of, outdoor recreation opportunities;

"(III) meets and complies with such guidelines for the receipt and use of the funds as are established by the Secretary; and

"(IV) provides full accountability for the use of the funds.

"(v) It is the intent of Congress that funds transferred and utilized by a private nonprofit organization pursuant to this subparagraph will result in a greater public benefit than would the utilization of the funds exclusively by a governmental entity.".

SEC. 8. MAINTENANCE OF EFFORT.

(a) STATES.—Section 6(f) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(f)) is amended by adding at the end the following new paragraph:

"(9) The Secretary may not provide financial assistance to a State under this Act unless the State agrees to maintain the expenditures of the State for purposes other than acquisition at a level equal to not less than 80 percent of the average level of the expenditures maintained for the 5 fiscal years preceding the fiscal year for which the financial assistance is provided.".

(b) FEDERAL RECIPIENTS.—Section 7 of such Act (16 U.S.C. 4601-9) is amended by adding at the end the following new subsection:

"(d) MAINTENANCE OF EFFORT.—In utilizing funds received under this Act, each Federal recipient shall maintain the expenditures of the Federal recipient for purposes other than acquisition at a level equal to not less than the level of the expenditures maintained for the fiscal year preceding the fiscal year for which the funds are received.".

LEGISLATIVE SUMMARY OF THE LAND AND WATER CONSERVATION FUND AMENDMENTS OF 1992

SECTION-BY-SECTION ANALYSIS

Section 1. Section 1. is the Short Title for the legislation.

Section 2. Section 2. contains the findings which support the legislation, defines its purposes and states the policy served by the legislation.

Section 3. Section 3. amends the Land and Water Conservation Fund (LWCF) to eliminating the current formula apportioning the fund between Federal and State participants.

The legislation requires an annual report to be submitted with the budget request providing a comprehensive statement of the estimated needs and requests for appropriations from the fund. The Section enlarges the total funding available for both Federal and States to divide by requiring that at least twice the total funding allocated in FY 1992 be made available from the LWCF. A new formula is substituted and gives 50% to the Federal and 50% to State purposes. A special subsection requires that if the 50% division is not maintained, the amount allocated to the Federal share will be diminished by an equal amount allocated to the State apportionment until equality in the division of the total between the two purposes is achieved.

Section 4. Section 4. amends the existing legislation to clarify participation in the LWCF by Native Americans. The proposed legislation recognizes the principle of tribal sovereignty by providing a defined set of options for the participation of Native American tribal governments and Alaska native villages and corporations in the grant process for state outdoor recreation purposes.

The legislation provides as one option a process in which all Native American tribal governments and Alaska native villages and corporations are recognized collectively on a basis equivalent to that afforded the States and receive as a collective entity a proportion of all funding allocated to grants funding for State and local purposes. The Secretary of the Interior is required to provide a rule a method by which the National Park Service, which administers State and local grant program will award grants among the requests for funding received from the participating Native American tribal governments or Alaska native village or corporations.

A second option, to be used solely at the discretion of a tribe, village or corporation, allows the Native American entity to enter into an agreement with the State and to participate under State auspices on a footing similar to those of other local organizations which may receive funding under the State grant process within the allocation granted to that State. The options are exclusive alternatives and a tribe, village or corporation may not receive grant funding under both processes but must elect one or the other option when it seeks LWCF funding for its outdoor recreation programs.

Both options are subject to the preference priority in LWCF funding grants for multipurpose projects which is established by this amendment. No tribe, village or corporation when competing among themselves for collective grant funding may receive more than 10% of the total allocation for all tribes, villages or corporation outdoor recreational purposes in any one fiscal year.

Section 5. Section 5. amends the existing legislation to provide a new second formula for apportioning grant funding for State purposes. A preference is given to multipurpose acquisitions of lands and waters which allows 80% of such acquisitions to be funded through LWCF. The proposed legislation defines multipurpose acquisitions and includes greenways and open space preserves as well as lands and waters which have outdoor recreational potential and will also meet needs established by environmental or other conservation laws passed by Federal, State or local government bodies. Those areas are entitled to participation in the programs for LWCF funding by acquisition by either State or local agencies. These areas are specifically included in those areas to be afforded multi-purpose preference priority funding in grant applications under the state grant program when given a priority in the State Outdoor Recreation Plan.

Section 6. Section 6 amends existing law to allow agencies receiving state grant funds to use up to 30% LWCF funding for maintenance and development purposes which were previously prohibited. In addition the legislation clarifies that the funding from LWCF which is used for maintenance and development may also be used for the purpose of ensuring security on the acquired lands and waters. The security which may be provided may include both physical structures such as fencing or lighting and pay for personnel whether as police, guards or monitors so long as the personnel costs do not exceed 10% of the funding used from LWCF for the maintenance, development and security purposes. Similarly, States are also specifically allowed to use LWCF funds for development of sheltered facilities for outdoor recreation when climate and increased opportunities for public use warrant.

Section 7. Section 7 amends the existing legislation to allow private non-profit organizations which meet certain conditions to participate in obtaining matching fund grants from States which have received an allocation under the LWCF appropriation. Funds may not be used by a private non-profit organization for any administrative expenses. If the organization uses the funds for the purpose of acquiring interests in lands or waters, the interest must be conveyed in perpetuity to the State for public benefit or held by the organization for that purpose.

Section 8. Section 8 provides for implementation of the purpose and policy of the legislation by prohibiting the secretary from granting a State LWCF financial assistance unless the State agrees as a condition of receiving the funding to agree to maintain program expenditures at a level of 80% of the average of the five fiscal years preceding the year for which the grant is sought. Federal agencies receiving LWCF funding to be used for maintenance, development or security purposes on acquired lands or waters as well as for land or water acquisition are required to maintain the level of expenditures budgeted for program purposes other than acquisition in the preceding fiscal year.

NATIONAL ASSOCIATION OF STATE OUTDOOR RECREATION LIAISON OFFICERS,

Tallahassee, FL, May 1, 1992.

DEAR MEMBERS OF CONGRESS: Twenty five years ago, the federal government embarked on an incredible journey. The destination was the protection of our outdoor heritage. The fuel was the re-investment of the proceeds from the use of our depletable natural resources. The vehicle was the Land and Water Conservation Fund.

The journey was incredible because the front seat passengers included state and local governments. You decided that you wouldn't reach your destination unless these partners "chipped in" with their local resources for more fuel.

Some years ago, we made a wrong turn. State and local governments were put in the back seat. Perhaps, we went there too quietly.

The consequences were predictable. Our destination is further away and we are running out of fuel.

We applaud the DeConcini Amendment to the Land and Water Conservation Fund as the roadmap to put us back on course. We are ready to put hundreds of millions of dollars into the tank. We encourage you to join Senator DeConcini, our organization, and all of the others who seek a future that retains our heritage.

Sincerely,

KENNETH E. TRAVOUS,
President.

NATIONAL RECREATION AND PARK ASSOCIATION,

Arlington, VA, May 4, 1992.

Hon. DENNIS DECONCINI,
U.S. Senate, Washington, DC.

DEAR SENATOR DECONCINI: We commend you for your initiative to strengthen the Land and Water Conservation Fund public partnership so critical to recreation resource investment and access. We hope that the Congress will quickly consider the imperative for recreation opportunity of the highest quality for all people.

Investment in recreation and park resources, especially in local and state systems, must be an increasing priority for resource conservation, social equity and human well-being. In the context of resource conservation, for example, despite depressed economic conditions the rapid development of land continues without full consideration of long-term recreation resource and access needs. LWCF assistance is needed now to encourage conservation. Most critical the protection of resources in key locations in terms of recreation access and population density, and sites with specific sought-after features, including water.

In a social context, recreation opportunity is increasingly perceived—and is functioning—to alleviate stress and enhance the quality of life. In Phoenix, Arizona, for example, calls for police assistance dropped to 17 percent while special recreation opportunities were offered in selected neighborhoods. "At risk" youth in Olympia, Washington recently urged the city council to continue its support for "street counseling" through a recreation outreach initiative. Dallas, Texas' parks and recreation "gang intervention" program is credited with important progress in reducing violence. The Administration's 1990 Health Goals for a Nation recommended improved access and greater investment in community recreation resources, including aquatic facilities and places to safely walk, to prevent disease and promote health.

In a national context, research by our organization and others has indicated that state and local governments anticipate investment needs of about $37.27 billion for park and recreation systems in the 1990–1994 period. Of the total, local systems anticipated the larger needs—about $30.4 billion.

About 25 percent of the total was needed for land conservation; 50 percent for new construction; and 25 percent for rehabilitation. It is highly unlikely that these needs have changed in the context of the present recession. What has changed, however, is local and state governments' capacity to address them.

The fiscal resources to support Land and Water Conservation Fund local, state and federal strategies have been collected and should be committed to the program. The authorized but unappropriated LWCF balance is expected to total $8,944,587,000 at the end of the fiscal year, if the Administration's fiscal year 1993 recommended level is appropriated. Further, total Outer Continental Shelf rent, bonus and royalty receipts will be about $2,370,000,000, an estimated $812,190,000 of which would be credited to LWCF.

Public debate today increasingly uses the term "prevention": In the context of juve-

nile justice and delinquency prevention; in personal and public health; in substance abuse strategies; and in environmental maintenance. Public recreation agencies, resources, and services are often quiet but integral parts of public and private strategies to address these issues. Your proposal will bring increased recognition to the need for enlightened policy and public investment.

We look forward to contributing to this process.

Sincerely,

R. DEAN TICE,
Executive Director.

STATE OF ARIZONA,
Phoenix, AZ, May 1, 1992.

Hon. DENNIS DECONCINI,
U.S. Senator, Washington, DC.

DEAR SENATOR DECONCINI: Last year the Western Governor's Association passed a resolution calling for Congress to amend the Land and Water Conservation Fund. The amendment would re-establish the partnership between the Federal and State governments in providing outdoor recreation opportunities across this great land.

The states stand ready to match the federal government's allocation to this program at $500 million next year. The matching dollar requirement in the act, however, is but a small part of the value of this program. The legacy of the act is found in the areas that are protected through people at many levels of government working together.

I am pleased to hear that our request is the cornerstone of your proposed legislation. I call on your fellow congressman to join in your effort.

Sincerely,

FIFE SYMINGTON,
Governor.

STATE OF ARKANSAS,
OFFICE OF THE GOVERNOR,
Little Rock, AR, May 1, 1992.

Hon. DALE BUMPERS,
U.S. Senator, Washington, DC.

DEAR DALE: I am writing to ask for your help in support of an amendment to the Land and Water Conservation Fund (LWCF) Act. The proposed amendment would reestablish the formula by which annual LWCF appropriations are divided between federal and state governments. Use of this formula will help ensure larger stateside allocations.

Outdoor recreation development grants made possible through this fund have made great improvements to the quality of life enjoyed by many Arkansas communities. A higher level of allocation to the stateside portion of the fund would provide continued development of these valuable resources.

Your assistance in increasing the stateside allocation from the LWCF would be a great service to the State of Arkansas. If we can provide you with additional information or answer any questions, please call Richard W. Davies, Executive Director of the Department of Parks and Tourism at (501) 682-2535.

Sincerely,

BILL CLINTON.

STATE OF FLORIDA,
OFFICE OF THE GOVERNOR,
Tallahassee, FL, May 4, 1992.

Hon. DENNIS DECONCINI,
U.S. Senator, Washington, DC.

DEAR DENNIS: I am pleased to support your efforts to amend the Land and Water Conservation Fund Act to ensure that a greater portion of the total funds are appropriated for the stateside share. I recommend an amendment to the Act that allows the stateside share to receive 50 per cent of the total appropriation. This could be accomplished over a three-year period through incremental increases.

Over the years the stateside share of the Land and Water Conservation Fund Program has provided nearly $94 million to Florida for the acquisition and development of outdoor recreation areas at the State and local levels. Currently, Florida's entire annual appropriation is distributed to local governments.

Your effort to rebuild the stateside share is greatly appreciated.

With kind regards, I am

Sincerely,

LAWTON CHILES,
Governor.

OFFICE OF THE GOVERNOR,
STATE CAPITOL,
Boise, ID, April 30, 1992.

Mr. KENNETH E. TRAVOUS,
President, National Association of State Outdoor Recreation Liaison Officers, Phoenix, AZ.

DEAR MR. TRAVOUS: Since the early 1980's, I have been keenly aware of the eroding ability of state and local governments to provide trails, greenbelts, parks and natural—all essential aspects of our quality of life that had been commonly provided through the Land and Water Conservation Fund in conjunction with other governmental entities. These open spaces deeply affect the livability of our country, and it is frustrating to me to see us repeatedly lose—sometimes forever—the opportunities to provide these areas because the funding has been cut so drastically by the Fund.

I understand that the National Association of State Outdoor Recreation Liaison Officers is proposing an amendment to the Land and Water Conservation Fund Act that will provide a percentage of L&WCF monies specifically to the states formula in order to achieve a more equitable balance between state, local and federal acquisition sides. I testified in favor of such increased funding to state and local governments a few months ago before Senator Kostmayer's subcommittee, and I fully support this amendment.

Please let me know if there are other ways I can help in this worthwhile effort.

Sincerely,

CECIL D. ANDRUS,
Governor.

STATE OF KANSAS,
OFFICE OF THE GOVERNOR,
Topeka, KS, May 4, 1992.

Hon. DENNIS DECONCINI,
U.S. Senator,
Washington, DC.

DEAR SENATOR DECONCINI: This will confirm my support of the proposed amendment to the Land and Water Conservation Fund that would increase the state-side funding of the Program.

The state of Kansas and its governmental units have for years relied heavily on the Land and Water Conservation Fund Program to assist in the development of outdoor recreation facilities as well as the acquisition of land for future park development. The stateside of the Program has decreased significantly over the past ten years, resulting in the necessity for state and local units to finance their outdoor recreation endeavors solely on their own, or forgo totally any significant improvements or expansion in sorely needed facilities and the acquisition of future park sites.

We currently have applications totalling in excess of $2 million from local units of government to be considered for funding, which the state's fiscal year apportionments have averaged approximately $261,500 over the past five years. There is a genuine need for an increase in the fund for Kansas cities and counties and I wholeheartedly support your efforts in obtaining passage of the amendment that will increase the annual apportionment to the states for local park and outdoor recreational improvements.

Sincerely yours,

JOAN FINNEY,
Governor.

STATE OF MONTANA,
OFFICE OF THE GOVERNOR,
Helena, MT, May 4, 1992.

Hon. DENNIS DECONCINI,
Doubletree Hotel,
National Airport.

DEAR SENATOR DECONCINI: The State of Montana strongly supports the amendment to the Land and Water Conservation Fund Act which would increase funding for the state side of this valuable outdoor recreation program.

Montana State Parks has identified a $60 million long-range capital improvement need and the local communities, through a statewide survey, have recently identified an even greater need.

Sincerely,

STAN STEPHENS,
Governor.

STATE OF NEVADA,
EXECUTIVE CHAMBER,
Carson City, NV, May 5, 1992.

Hon. DENNIS DECONCINI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DECONCINI: I appreciate your efforts to amend the Land & Water Conservation Fund in order to assure that the states retain a reasonable proportion of the funds appropriated. Accordingly, I fully support your efforts on the floor of the Senate, scheduled for the morning of May 5, to introduce this amendment.

This action will once again enable the L&WCF program to reclaim its status as one of the most successful federal-state partnerships in the history of our nation. As you are probably aware, funding for this important program has decreased almost 95 percent since its peak year in 1979. The substantial increase in federal matching funds your amendment would provide will give a tremendous boost to our efforts to address the increasing need for park and recreation facilities in Nevada, the fastest growing state in the nation.

Earlier this year, a National Recreation & Parks Association survey identified some 70 state and local projects in Nevada alone, totaling an estimated $48.5 million, that could potentially benefit from an expanded L&WCF program.

For the sake of our recreating public, I wish you every success.

Sincerely,

BOB MILLER
Governor.

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
Providence, RI, May 5, 1992.

Senator DENNIS DECONCINI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DECONCINI: I would like to express my strong support for an amendment to the Land and Water Conservation Act

which will establish by law the proportion of funding for the state side of the program, with the state side share reaching and remaining at fifty percent in 1995. Such an amendment would insure that state and local governments, which provide the preponderance of recreational opportunities for our citizens, would have a reliable and reasonably-funded program.

Rhode Island is no different than any of the forty-nine other States, but a look at the numbers is compelling evidence of the loss of federal support for open space preservation and outdoor recreation. In 1978–1980, Rhode Island received over $2 million annually; when matched equally by state or local dollars, the state had a $4 million dollar annual program. In 1991, Rhode Island received $170,000 in Land and Water Conservation Funds, to be shared between the State and local governments. The state side share in 1991 was less than ten percent of the funds allocated to the National Park Service for the national parks.

I, therefore, urge the Congress to pass legislation to establish a more balanced program to address the outdoor recreation needs of the State and local governments as well as those of the country's national parks.

Best personal wishes.

Sincerely,

BRUCE SUNDLUN,
Governor.

DEPARTMENT OF GAME,
FISH AND PARKS,
Pierre, SD, May 4, 1992.

Hon. DENNIS DECONCINI,
Subcommittee on Interior and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR DECONCINI: We would like to express our enthusiastic support for your amendment seeking an increase in the Land and Water Conservation Fund appropriation for state and local assistance. Your proposal to bring the state and local project funding into balance with federal agency funding by dedicating 50% of the annual LWCF appropriation makes good sense, given that the President's Commission on Americans Outdoors found that the overwhelming majority of outdoor recreation occurs within ten miles of home.

Certainly, this is the most cost effective way to serve the greatest number of people. In many cases, local investment in recreation facilities and resources averts the necessity for federal agency action to address these issues. High quality, national caliber opportunities are often protected or provided by those who live nearby, but only if funds are available.

It is worth noting that recreation opportunities close to home serve to improve public health and fitness, and also serve to create a sense of community for our citizens, strengthening our social fabric and improving the quality of life.

Increasing the Land and Water Conservation Fund appropriation for state and local assistance is clearly a wise investment in America.

Sincerely,

RICHARD BERINGSON,
Secretary.

STATE OF WYOMING,
OFFICE OF THE GOVERNOR,
Cheyenne, WY, May 3, 1992.

Hon. DENNIS DECONCINI,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DECONCINI: I am writing in support of your proposed amendment to increase the state side of the Land and Water Conservation Fund. I testified on behalf of the Western Governors' Association regarding the program this past February. Support for the stateside of the program was a major focus of my presentation.

An increase in funding of the stateside of the L&WCF program will provide a direct benefit to many communities in Wyoming. The benefits will be felt in the improved quality of life enjoyed by those residents using recreation and park facilities funded by allocations from the L&WCF program. They will also be felt by the growing number of tourists who visit this state to utilize and enjoy our beautiful natural resources. The latter will serve to enhance our burgeoning tourism industry.

I appreciate your support for the program and feel that the result of positive action on your proposed amendment will serve to directly benefit the citizens of Wyoming.

With best regards,

Very Truly Yours,

MIKE SULLIVAN,
Governor.●

By Mr. SYMMS:

S. 2655. A bill to extend until January 1, 1995, the existing suspension of duty on certain yttrium bearing materials and compounds; to the Committee on Finance.

SUSPENSION OF DUTY ON YTTRIUM BEARING MATERIALS AND COMPOUNDS

●Mr. SYMMS. Mr. President, today, I am introducing a bill that will extend the existing suspension of duty on certain yttrium bearing materials and compounds. Yttrium aluminum garnets and yttrium iron garnets are vital in classified military applications. Other applications of this material include lasers, refractory insulating materials, strategic superalloys, energy-saving fluorescent lights, superconductors, and all color televisions.

Currently, there is only one remaining refiner of high purity yttrium oxide remaining in the United States. The United States is dependent on imported yttrium concentrates for feedstocks as there are no significant domestic sources of yttrium feedstocks. Without the current suspension, a U.S. duty of 5 percent would be imposed on yttrium concentrates under classification 2620.90.90. This would add an additional cost that our foreign competitors do not have to bear.

The high-purity yttrium oxide refining business is very competitive. Profit margins are low and any further drop could force the only remaining U.S. refiner to cease productions. During the past 20 years, two other yttrium refiners permanently closed.

In the past the raw material sources have been Japan, China, and Canada. Recently, the Canadian sources shutdown due to competition from China. Yttrium concentrate enters the United States under the current tariff classification of 2620.90.90, "other ores, slags, and ash". Other low-purity yttrium compounds classified under 2846.90.50 could also be used as feedstock.

The current suspension of duty of yttrium feedstocks expires December 31, 1992. This bill would extend that suspension until December 31, 1994.●

By Mr. FORD:

S. 2656. A bill to amend the Petroleum Marketing Practices Act; to the Committee on Energy and Natural Resources.

PETROLEUM MARKETING PRACTICES ACT AMENDMENTS OF 1992

Mr. FORD. Mr. President, I am pleased to introduce today the Petroleum Marketing Practices Act Amendments of 1992.

The Petroleum Marketing Practices Act was enacted in 1978 as a "dealer's day in court" bill, provide fairness and balance in negotiations between franchisors and franchisees involved in gasoline marketing. I have had an interest in this issue for several years now. It took nearly a decade to negotiate the original 1978 legislation. Since that time, a complex series of judicial decisions has led many to believe that the original statute is in need of fine tuning. In the 100th Congress, bills were introduced in both the House and Senate to achieve this purpose. In October 1988, we held hearings in the Senate Energy Committee on the need to reform the PMPA. Last Congress, a similar measure passed the House Energy and Commerce Subcommittee on Energy and Power. And in this Congress, companion bills were again introduced—S. 672 in the Senate and H.R. 2600 in the House—in an attempt to move this debate forward.

Since that time, a series of negotiations have taken place between all interested parties on this issue, including service station dealers, jobbers, and oil companies. I compliment my colleagues in the House for their efforts in these successful negotiations, which have led to the revised legislation being introduced in the House and the companion Senate bill I am introducing today.

The Petroleum Marketing Practices Act Amendments of 1992 essentially has four components. First, the legislation clarifies the grounds for nonrenewal of a franchise relationship. Current law sets forth the only permissible grounds for termination or nonrenewal of a gasoline marketing franchise agreement. Nonrenewal may occur if there is a failure to agree to changes or additions to the franchise, so long as the new conditions are negotiated in good faith and not for the purpose of preventing the franchise renewal. The interpretation of this section of current law has been somewhat subjective and confusing. The legislation which I introduce today clarifies one major area of uncertainty. It makes explicit that preventing renewal includes situations where new conditions are proposed for the purpose of converting a franchisee operation into one operated by a franchisor's employees. In other words, a gasoline mar-

keter cannot force conditions upon an independently operated service station for the purpose of converting it into a company-owned station. This is an important clarification to existing law.

Second, the legislation tightens the current definition of preemption to make clear that Federal law is limited in scope. The grounds for nonrenewal or termination of a franchise specified in the PMPA are exclusive, and current law preempts States from imposing additional grounds or modifying those set forth in the act. However, States are still free to pass laws regulating the underlying contract provisions. State law may still have a direct bearing on which contract terms are reasonable or negotiated in good faith under the PMPA.

Third, the bill clarifies current law in situations where a franchisor leases the underlying premises from a third party, and the terms of the underlying lease may prevent the continuation of the franchise arrangement. The legislation makes clear that where a franchisor has an option to continue to lease or to buy the marketing premises but does not wish to do so, the franchisor must offer to assign the option to the franchisee. In other words, failure to exercise a lease option with a third party cannot be used to terminate a gasoline dealer. The dealer will receive the same option and may choose to continue the franchise relationship.

Fourth, the legislation clarifies that a franchisor cannot demand that any rights granted by Federal or State law be waived as a condition for entering into or terminating a franchise relationship.

While many of these changes are technical in nature, I believe that they will serve to bring a balance to the operation of the PMPA which will assure fairness in bargaining in the future. I am pleased by the support this legislation enjoys from all affected parties in the gasoline marketing industry, and look forward to working with my colleagues on the House side in enacting this measure during the current Congress. The efforts to achieve meaningful PMPA reform have been in motion for several years, and I believe we now have a compromise which will serve in the best interests of the entire industry.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2656

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Petroleum Marketing Practices Act Amendments of 1992".

SEC. 2. CONVERSION TO COMPANY OPERATION.

Section 102(b)(3)(A)(ii) of the Petroleum Marketing Practices Act (15 U.S.C. 2802(b)(3)(A)(ii)) is amended by inserting after "purpose of" the following: "converting the leased marketing premises to operation by employees or agents of the franchisor for the franchisor's own account or otherwise".

SEC. 3. PREEMPTION.

Section 106 of the Petroleum Marketing Practices Act (15 U.S.C. 2806) is amended—

(1) by adding at the end of subsection (a) the following: "Nothing in this title shall be deemed to limit the ability of a State or any political subdivision thereof to regulate any specific provision of a franchise. No State or any political subdivision thereof may adopt, enforce or continue in effect any provision of any law or regulation requiring any payment for a franchisee's goodwill upon the occurrence of a termination of a franchise or nonrenewal of a franchise relationship authorized by this title."; and

(2) by adding at the end of subsection (b) the following: "Nothing in this title shall be deemed to prohibit any State from specifying the terms and conditions under which any franchise or franchise relationship may be transferred to a franchisee's designated successor upon the franchisee's death.".

SEC. 4. UNDERLYING LEASES.

Section 102(c)(4) of the Petroleum Marketing Practices Act (15 U.S.C. 2802(c)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively and setting such clauses on a 6-em indention with a 2-em paragraph indention;

(2) by inserting "—" after "lease, if";

(3) by designating the text which follows "lease, if—" as subparagraph (A) and setting such subparagraph on a 4-em indention with a 2-em paragraph indention; and

(4) by adding at the end the following new subparagraphs:

"(B) during the 90-day period after notification was given pursuant to section 104 the franchisor offers to assign to the franchisee any options to extend the underlying lease or options to purchase the marketing premises which may be held by the franchisor: *Provided*, That the franchisor may condition any such assignment upon receipt by the franchisor of—

"(i) an unconditional release executed by both the landowner and the franchisee releasing the franchisor from any and all liability accruing after the date of the assignment for—

"(I) financial obligations under any such option (or the resulting extended lease or purchase agreement);

"(II) environmental contamination to (or originating from) the marketing premises; or

"(III) the operation or condition of the marketing premises; and

"(ii) an instrument executed by both the landowner and the franchisee assuring the franchisor and its contractors reasonable access to the marketing premises for the purpose of testing for and remediating any environmental contamination that may be present at such premises; and

"(C) in a situation in which the franchisee acquires possession of such leased marketing premises effective immediately after loss of the franchisor's right to grant possession (either through an assignment pursuant to subparagraph (B) above or by obtaining a new lease or purchasing the marketing premises from the landowner), the franchisor (if requested in writing by the franchisee within 30 days after notification was given pursuant to section 104), during the 90-day period after notification was given pursuant to section 104, either—

"(i) made a bona fide offer to sell, transfer, or assign to the franchisee such franchisor's interest in any improvements or equipment located on such premises; or

"(ii) if applicable, offered the franchisee a right of first refusal of at least 45 days duration of an offer, made by another, to purchase such franchisor's interest in such improvements and equipment.".

SEC. 5. WAIVER OF RIGHTS.

Section 105 of the Petroleum Marketing Practices Act (15 U.S.A. 2805) is amended by adding at the end the following new subsection:

"(f)(1) No franchisor shall require, as a condition of entering into or renewing the franchise relationship, a franchisee to release or waive—

"(A) any rights under this title or other Federal law; or

"(B) any rights the franchisee may have under any valid and applicable State law.

"(2) No provision of any franchise shall be valid or enforceable which specifies that the interpretation or enforcement of the franchise shall be governed by the law of any State other than the State in which the franchisee has its principal place of business.".

By Mr. REID:

S. 2657. A bill to require reauthorizations of budget authority for Government programs at least every 10 years, to provide for review of Government programs at least every 10 years, and for other purposes; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

SPENDING CONTROL AND PROGRAMS EVALUATION ACT

Mr. REID. Mr. President, today I am introducing the Spending Control and Programs Evaluation Act of 1992.

It is an understatement to say that the Federal Government faces a budget and debt crisis. In this fiscal year, our budget deficit is expected to be $400 billion, and our national debt already stands at $3.5 trillion. None of the fixes we have tried in recent years to control deficit spending have worked, or appear to have any likelihood of working—not the ill-fated budget deal of 1990, not the mindless rush to surrender budget accountability to the private sector in the name of "privatization", not even the Gramm-Rudman-Hollings approach which I, and a large majority of Congress, supported.

It is time we take the tough steps that will be needed to eliminate our budget deficits and begin reducing the national debt. One step we can take, and should take, is to pass a constitutional amendment requiring a balanced Federal budget. I am a sponsor of such an amendment. However, even this action won't ensure that the Congress has the information needed to make the proper decisions on what spending is truly needed and what spending should be cut or eliminated. We need to know more about what we are doing

when we make decisions on Federal spending programs, and we ought to revisit those decisions on a regular basis to see if they are still valid. Currently, we pass legislation authorizing Federal spending in a piecemeal fashion. Over time this is bound to create duplication of effort, and in some cases probably even contradictory efforts.

Let's take a minute to look at just the Federal agencies that administer agricultural related activities. These include: Farmers Home Administration, Rural Electrification Administration, Federal Crop Insurance Corporation, Agricultural Cooperative Service, Agricultural Marketing Service, Animal and Plant Health Inspection Service, Food Safety and Inspection Service, National Agricultural Library, Economic Research Service, National Agricultural Statistics Service, Soil Conservation Service, Economic Research Service, National Agricultural Statistics Service, World Agricultural Outlook Board, Federal Grain Inspection Service, Center for Veterinary Medicine, Center for Food Safety and Applied Nutrition, Food and Drug Administration, Packers and Stockyards Administration, Food and Nutrition Service, Human Nutrition Information Service, Agricultural Stabilization and Conservation Service, Commodity Credit Corporation, Foreign Agriculture Service, Office of International Cooperation and Development, Agricultural Research Service, Cooperative State Research Service, Extension Service, Farm Credit Administration, and the Commodity Future Trading Commission.

The questions are do we need all of these agencies to do the job? Is there overlap in their responsibilities? Do their activities ever contradict each other? How much money is wasted due to bureaucratic infighting? Would it be more efficient to consolidate some of these agencies?

Today, there is simply no way for us to answer these questions. We need to organize our review of these programs so that we know what each does compared to the others, and what priority those activities should have in comparison with the other responsibilities of the Federal Government.

I do not mean to single out only programs for agriculture. The same problem exists throughout the Federal Government. I have identified 43 different agencies with responsibilities over labor issues, 21 with environmental responsibilities, 25 that deal with transportation, and 20 with responsibilities for our energy programs. Even this is not the whole picture. I merely wish to point out that with agriculture, as with many other Federal programs, Congress' left hand often doesn't know what its right hand is doing. Congress is, in many cases, wasting the time of executive branch agencies and the money of taxpayers because we do not spend the time necessary to occasionally make a comprehensive examination of existing programs. In an era when every penny must be stretched to the limit, this state of affairs cannot be allowed to continue.

What the Senate needs to make intelligent decisions on its spending priorities is a comprehensive and organized evaluation of the various spending programs under our jurisdiction and a requirement that decisions on these programs be reviewed on a regular basis. A first step was taken in this direction during Senate consideration of this year's budget resolution when my amendment calling for a review or existing spending programs was approved by voice vote.

Mr. President, the legislation I am introducing today is a comprehensive budget reform package. With the exception of Social Security, Medicare, Federal pensions, and certain other programs, this legislation will force Congress to evaluate and reauthorize nearly every Federal spending program at least once every 10 years if these programs are to continue. The first step in this direction is to require our committees to review and evaluate the programs under their jurisdiction. I can't imagine anyone questioning the need for such review and evaluation. However, Congress, and in particular the Senate, has become a firehouse. Instead of proactive work we are performing reactive work. We have lost control over one of our most important responsibilities: managing the Nation's financial resources. In short, this body has become a legislative crisis management team. The Congress no longer seems to be able to put forward thoughtful, ordered, and comprehensive solutions to our national needs. Instead, we rush down here on the Senate floor day in and day out and vote on emergency, Band-Aid proposals to our serious national problems. Is it any wonder that several of our most reflective and productive members have chosen to leave this body in frustration.

I firmly believe that many of these legislative crises can be prevented by a systematic review and reauthorization of our major national policies. The bill I am introducing, by requiring a periodic comprehensive review of Federal spending programs, will enable Congress to become more proactive and a less reactive. It will allow us to return to enacting long-term policies.

Mr. President. I hope that my colleagues will join me in working to rationalize our spending process. The American people expect us to manage the Nation's affairs in an organized and efficient way. We have fallen short of that mandate and the judgment of the people is being reflected in the current low esteem in which Congress is held. I believe this legislation is a chance to bring real change to the way we do business—a change that will be cheered by the Nation's taxpayers.

I ask unanimous consent that the full text of my bill be printed in the RECORD.

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

S. 2657

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spending Control and Programs Evaluation Act of 1992".

SEC. 2. PURPOSES OF ACT.

The purposes of this Act are—

(1) to require that most Government programs be reauthorized according to a schedule at least once every 10 years;

(2) to limit the length of time for which Government programs can be authorized to 10 years;

(3) to bar the expenditure of funds for Government programs which have not been provided for by a law enacted during the 10-year sunset reauthorization cycle; and

(4) to encourage the reexamination of selected Government programs each Congress.

SEC. 3. DEFINITIONS AND CONSTRUCTION.

(a) DEFINITIONS.—For purposes of this Act—

(1) The term "budget authority" has the meaning given to it by section 3(2) of the Congressional Budget Act of 1974.

(2) The term "permanent budget authority" means budget authority provided for an indefinite period of time or an unspecified number of fiscal years which does not require recurring action by the Congress, but does not include budget authority provided for a specified fiscal year which is available for obligation or expenditure in one or more succeeding fiscal years.

(3) The term "Comptroller General" means the Comptroller General of the United States.

(4) The term "agency" means an executive agency as defined in section 105 of title 5, United States Code, except that such term includes the United States Postal Service and the Postal Rate Commission but does not include the General Accounting Office.

(5) The term "sunset reauthorization cycle" means the period of 5 Congresses beginning with the One Hundred Third Congress and with each sixth Congress following the One Hundred Third Congress.

(b) TREATMENT OF PROGRAMS.—For purposes of this Act, each program (including any program exempted by a provision of law from inclusion in the Budget of the United States) shall be assigned to the functional and subfunctional categories to which it is assigned in the Budget of the United States Government, fiscal year 1993. Each committee of the Senate or the House of Representatives which reports any bill or resolution which authorizes the enactment of new budget authority for a program not included in the fiscal year 1993 budget shall include, in the committee report accompanying such bill or resolution (and, where appropriate, the conferees shall include in their joint statement on such bill or resolution), a statement as to the functional and subfunctional category to which such program is to be assigned.

(c) REAUTHORIZATION DATE.—For purposes of titles I, II, and III of this Act, the reauthorization date applicable to a program is the date specified for such program under section 101(b).

TITLE I—REAUTHORIZATION OF GOVERNMENT PROGRAMS

SEC. 101. REAUTHORIZATION CYCLE.

(a) GENERAL RULE.—Each Government program (except those listed in section 103) shall be reauthorized at least once during each sunset reauthorization cycle during the Congress in which the reauthorization date applicable to such program (pursuant to subsection (b)) occurs.

(b) FIRST REAUTHORIZATION DATE.—The first reauthorization date applicable to a Government program is the date specified in the following table, and each subsequent reauthorization date applicable to a program is the date ten years following the preceding reauthorization date:

Programs included within subfunctional category	First reauthorization date
254 Space, Science, Applications and Technology.	September 30, 1995.
272 Energy Conservation.	
301 Water Resources.	
352 Agriculture and Research Services.	
371 Mortgage Credit and Thrift Insurance.	
376 Other Advancement and Regulation of Commerce.	

Programs included within subfunctional category	First reauthorization date
501 Elementary, Secondary, and Vocational Education.	
601 General Retirement and Disability Insurance.	
602 Federal Employment Retirement and Disability.	
703 Hospital and Medical Care for Veterans.	
806 Other General Government.	
851 General Revenue Sharing.	
051 Department of Defense—Military.	September 30, 1997.
053 Atomic Energy Defense Activities.	
154 Foreign Information and Exchange Act.	
251 General Science and Basic Research.	
306 Other Natural Resources.	
351 Farm Income Stabilization.	
401 Ground Transportation.	
502 Higher Education.	
553 Education and Training of Health Care Work Force.	
701 Income Security for Veterans.	
752 Federal Litigative and Judicial Activities.	
802 Executive Director and Management.	
803 Central Fiscal Operations.	
054 Defense Related Activities.	September 30, 1999.
152 Military Assistance.	
155 International Financial Programs.	
253 Space Flight.	
255 Supporting Space Activities.	
274 Emergency Energy Preparedness.	
302 Conservation and Land Management.	
304 Pollution Control and Abatement.	
407 Other Transportation.	
504 Training and Employment.	
506 Social Services.	
554 Consumer and Occupational Health and Safety.	
704 Veterans Housing.	
751 Federal Law Enforcement Activities.	
801 Legislative Function.	
852 Other General Purpose Fiscal Assistance.	
153 Conduct of Foreign Affairs.	September 30, 2001.
271 Energy Supply.	
303 Recreational Resources.	
402 Air Transportation.	
505 Other Labor Services.	
551 Health Care Services.	
604 Public Assistance and Other Income Supplements.	
702 Veterans Education, Training, and Rehabilitation.	
753 Federal Correctional Activities.	
805 Central Personnel Management.	
902 Other Interest.	
151 Foreign Economic and Financial Assistance.	September 30, 2003.
276 Energy Information, Policy and Regulation.	
372 Postal Service.	
403 Water Transportation.	
451 Community Development.	
452 Area and Regional Development.	
453 Disaster Relief and Insurance.	
503 Research and General Education Aids.	
552 Health Research.	
603 Unemployment Compensation.	
705 Other Veterans Benefits and Services.	
754 Criminal Justice Assistance.	
804 General Property and Record Management.	
901 Interest on the Public Debt.	

(c) POINT OF ORDER TO PRESERVE SUNSET.—(1) It shall not be in order in either the Senate or the House of Representatives to consider any bill or resolution, or amendment thereto, which authorizes the enactment of new budget authority for a program for a period of more than 10 fiscal years, for an indefinite period, or (except during the Congress in which such next reauthorization date occurs) for any fiscal year beginning after the next reauthorization date applicable to such program. Notwithstanding the preceding sentence, it shall be in order to consider a bill or resolution for the purpose of considering an amendment to the bill or resolution which would make the authorization period conform to the requirement of such sentence.

(2)(A) It shall not be in order in either the Senate or the House of Representatives to consider any bill or resolution, or amendment thereto, which provides new budget authority for a program for any fiscal year beginning after any reauthorization date applicable to such program under subsection (b), unless the provision of such new budget authority is specifically authorized by a law which constitutes a required authorization for such program.

(B) For the purposes of this title, the term "required authorization" means a law authorizing the enactment of new budget authority for a program, which complies with the provisions of paragraph (1).

(3) No new budget authority may be obligated or expended for a program for a fiscal year beginning after the last fiscal year in a sunset reauthorization cycle unless a provision of law providing for the expenditure of such funds has been enacted during such sunset reauthorization cycle.

(4) Any provision of law providing permanent budget authority for a program shall cease to be effective (for the purpose of providing such budget authority) on the first reauthorization date applicable to such program.

(5) It shall not be in order in either the Senate or the House of Representatives to consider any bill or resolution, or amendment thereto, which provides new budget authority for a program unless the bill or resolution, or amendment thereto (or the report which accompanies such bill or resolution), includes a specific reference to the provision of law which constitutes a required authorization for such program. Notwithstanding the preceding sentence, it shall be in order to consider a bill or resolution for the purpose of considering an amendment which provides such reference to the appropriate provision of law.

SEC. 102. REAUTHORIZATION REVIEW.

(a) GENERAL RULE.—It shall not be in order in either the Senate or the House of Representatives to consider any bill or resolution, or amendment thereto, which has been reported by a committee and which authorizes the enactment of new budget authority for a program for a fiscal year beginning after the next reauthorization date applicable to such program, unless a reauthorization review of such program has been completed during the Congress in which the reauthorization date for such program occurs (or during a subsequent Congress when such required authorization is considered), and the report accompanying such bill or resolution includes a separate section entitled "Reauthorization Review" recommending, based on such review, whether the program or the laws affecting such program should be continued without change, continued with modifications, or terminated, and also includes, to the extent the committee or committees having jurisdiction deem appropriate, each of the following matters:

(1) Information and analysis on the organization, operation, costs, results, accomplishments, and effectiveness of the program.

(2) An identification of any other programs having similar objectives, and a justification of the need for the proposed program in comparison with those other programs which may be potentially conflicting or duplicative.

(3) An identification of the objectives intended for the program, and the problems or needs which the program is intended to address, including an analysis of the performance expected to be achieved, based on the bill or resolution as reported.

(4) A comparison of the amount of new budget authority which was authorized for the program in each of the previous four fiscal years and the amount of new budget authority provided in each such year.

(b) REVIEW OF NEW AUTHORITY.—It shall not be in order in either the Senate or the House of Representatives to consider a bill or resolution, or amendment thereto, which authorizes the enactment of new budget authority for a program for which there previously has been no such authorization unless the report accompanying such bill or resolution sets forth, to the extent that the committee or committees having jurisdiction deem appropriate, the information specified in subsections (a)(2) and (a)(3).

(c) CONGRESSIONAL REVIEW BY AUTHORIZING COMMITTEES.—Each committee having legislative jurisdiction over a program referred to in section 103 shall conduct a review of such program of the type described in subsection (a) of this section at least once during each sunset reauthorization cycle, during the Congress in which the reauthorization date applicable to such program occurs, and shall submit to the Senate or the House of Representatives, as the case may be, a report containing its recommendations and other information of the type described in subsection (a). It shall not be in order in either the Senate or the House of Representatives to consider a bill or resolution reported by the committee having legislative jurisdiction which authorizes the enactment of new budget authority for such program unless such report accompanies such bill or resolution, or has been submitted during the Congress in which the reauthorization date for such program occurred as provided in section 101(b), whichever first occurs.

SEC. 103. PROGRAMS NOT INCLUDED.

Section 101(c) shall not apply to the following:

(1) Programs included within functional category 900 (Interest).

(2) Any Federal programs or activities to enforce civil rights guaranteed by the Constitution of the United States or to enforce antidiscrimination laws of the United States, including but not limited to the investigation of violations of civil rights, civil or criminal litigation or the implementation or enforcement of judgments resulting from

such litigation, and administrative activities in support of the foregoing.

(3) Programs which are related to the administration of the Federal judiciary and which are classified in the fiscal year 1993 budget under subfunctional category 752 (Federal litigative and judicial activities).

(4) Payments of refunds of internal revenue collections as provided in title I of the Supplemental Treasury and Post Office Departments Appropriation Act of 1949 (62 Stat. 561), but not to include refunds to persons in excess of their tax payments.

(5) Programs included in the fiscal year 1993 budget in subfunctional categories 701 (Income security for veterans), 702 (Veterans education, training, and rehabilitation), 704 (Veterans housing), and programs for providing health care which are included in such budget in subfunctional category 703 (Hospital and medical care for veterans).

(6) Social Security and Federal employee retirement programs including the following:

(A) Programs funded through trust funds which are included with subfunctional categories 551 (Health care services), 601 (General retirement and disability insurance), or 602 (Federal employee retirement and disability).

(B) Retirement pay and retired pay of military personnel on the retired lists of the Army, Navy, Marine Corps, and the Air Force, including the Reserve components thereof, retainer pay for personnel of the Inactive Fleet Reserve; and payments under section 4 of Public Law 92-425 and chapter 73 of title 10, United States Code (survivor's benefits), classified in the fiscal year 1993 budget in subfunctional category 051 (Department of Defense—military).

(C) Retirement pay and medical benefits for retired commissioned officers of the Coast Guard, the Public Health Service Commissioned Corps, and the National Oceanic and Atmospheric Commissioned Corps and their survivors and dependents, classified in the fiscal year 1988 budget in subfunctional category 551 (Health care services) or in subfunctional category 306 (Other natural resources).

(D) Retired pay of military personnel of the Coast Guard and Coast Guard Reserve, members of the former Lighthouse Service, and for annuities payable to beneficiaries of retired military personnel under the retired serviceman's family protection plan (10 U.S.C. 1431-1446) and survivor benefit plan (10 U.S.C. 1447-1455), classified in the fiscal year 1988 budget in subfunctional category 403 (Water transportation).

(E) Payments to the Central Intelligence Agency Retirement and Disability Fund, classified in fiscal year 1993 budget in subfunctional category 054 (Defense-related activities).

(F) Payments to the Civil Service Retirement and Disability Fund for financing unfunded liabilities, classified in fiscal year 1993 budget in subfunctional category 805 (Central personnel management).

(G) Payments to the Foreign Service Retirement and Disability Fund, classified in fiscal year 1993 budget in subfunctional category 153 (Conduct of foreign affairs).

(H) Payments to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, classified in fiscal year 1993 budget in various subfunctional categories.

(I) Administration of the retirement and disability programs set forth in this section.

SEC. 104. MISCELLANEOUS PROVISIONS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that all programs should be considered and reauthorized in program categories which constitute major areas of legislative policy. Such authorizations should be for sufficient periods of time to enhance oversight and the review and evaluation of Government programs.

(b) MODIFICATION OF SCHEDULE.—The reauthorization schedule contained in section 101(b) may be changed by concurrent resolution of the two Houses of the Congress (except that changes in the schedule affecting permanent appropriations may be made only by law).

(c) COMMITTEE REFERRAL.—All messages, petitions, memorials, concurrent resolutions, and bills proposing changes in section 101(b) and all bills proposing changes in section 103, shall be referred first to the committee with legislative jurisdiction over any program affected by the proposal and sequentially to the Committee on Rules in the House of Representatives or to the Committee on Rules and Administration in the Senate.

(d) COMMITTEE REPORTS.—Except as provided in subsection (f), the Committee on Rules in the House of Representatives or the Committee on Rules and Administration in the Senate shall report with its recommendations any concurrent resolution or bill referred to it under subsection (c) and which previously has been reported favorably by a committee of legislative jurisdiction within 30 days (not counting any day on which the Senate or the House of Representatives is not in session), beginning with the day following the day on which such resolution or bill is so referred.

(e) COMMITTEE RECOMMENDATIONS.—The recommendations of the Committee on Rules or the Committee on Rules and Administration pursuant to subsection (d) or (f) shall include a statement on each of the following matters:

(1) The effect the proposed change would have on the sunset reauthorization schedule.

(2) The effect the proposed change would have on the jurisdictional and reauthorization responsibilities and workloads of the authorizing committees of Congress.

(3) Any suggested grouping of similar programs which would further the goals of this Act to make more effective comparisons between programs having like objective.

(f) COMMITTEE REFERRAL AMENDMENTS TO THIS ACT.—Any concurrent resolution or bill proposing a change in section 101(b) or 103 shall be referred in the House to the Committee on Rules and in the Senate to the Committee on Rules and Administration. Such committee shall report an omnibus concurrent resolution or bill containing its recommendations regarding the proposed changes and consideration of such bill or resolution shall be highly privileged in the House of Representatives and privileged in the Senate. The provisions of subsections (c) and (d) of section 1017 of the Impoundment Control Act of 1974, insofar as they relate to consideration of rescission bills, shall apply to the consideration of concurrent resolutions and bills proposing changes reported pursuant to this subsection, amendments thereto, motions and appeals with respect thereto, and conference reports thereon.

(g) POINT OF ORDER.—It shall not be in order in the Senate or the House of Representatives to consider a bill or resolution reported pursuant to subsection (b), (c), (d), or (f) which proposes a reauthorization date for a program beyond the final reauthorization date of the sunset reauthorization cycle then in progress. Notwithstanding the preceding sentence, it shall be in order to consider a bill or resolution for the purpose of considering an amendment which meets the requirements of this subsection.

TITLE II—PROGRAM INVENTORY

SEC. 201. PROGRAM INVENTORY.

(a) PREPARATION.—The Comptroller General and the Director of the Congressional Budget Office, in cooperation with the Director of the Congressional Research Service, shall prepare an inventory of Federal programs (hereafter in this title referred to as the "program inventory").

(b) PURPOSE.—The purpose of the program inventory is to advise and assist the Congress in carrying out the requirements of titles I and III. Such inventory shall not in any way bind the committees of the Senate or the House of Representatives with respect to their responsibilities under such titles and shall not infringe on the legislative and oversight responsibilities of such committees. The Comptroller General shall compile and maintain the inventory, and the Director of the Congressional Budget Office shall provide budgetary information for inclusion in the inventory.

(c) SUBMISSION DATE.—Not later than January 1, 1993, the Comptroller General, after consultation with the Director of the Congressional Budget Office and the Director of the Congressional Research Service, shall submit the program inventory to the Senate and House of Representatives.

(d) CATEGORIES IN REPORT.—In the report submitted under this section, the Comptroller General, after consultation and in cooperation with and consideration of the views and recommendations of the Director of the Congressional Budget Office, shall group programs into program areas appropriate for the exercise of the review and reexamination requirements of this Act. Such groupings shall identify program areas in a manner which classifies each program in only one functional and only one subfunctional category and which is consistent with the structure of national needs, agency missions, and basic programs developed pursuant to section 1105 of title 31, United States Code.

(e) PROGRAM ANALYSIS.—The program inventory shall set forth for each program each of the following matters:

(1) The specific provision or provisions of law authorizing the program.

(2) The committees of the Senate and the House of Representatives which have legislative or oversight jurisdiction over the program.

(3) A brief statement of the purpose or purposes to be achieved by the program.

(4) The committees which have jurisdiction over legislation providing new budget authority for the program, including the appropriate subcommittees of the Committees on Appropriations of the Senate and the House of Representatives.

(5) The agency and, if applicable, the subdivision thereof responsible for administering the program.

(6) The grants-in-aid, if any, provided by such program to State and local governments.

(7) The next reauthorization date for the program.

(8) A unique identification number which links the program and functional category structure.

(9) The year in which the program was originally established and, where applicable, the year in which the program expires.

(10) Where applicable, the year in which new budget authority for the program was last authorized and the year in which current authorizations of new budget authority expire.

(f) UNAUTHORIZED PROGRAMS.—The inventory shall contain a separate tabular listing of programs which are not required to be reauthorized pursuant to section 101(c).

(g) ANALYSIS OF NEW BUDGET AUTHORITY.—The report also shall set forth for each program whether the new budget authority provided for such programs is—

(1) authorized for a definite period of time;

(2) authorized in a specific dollar amount but without limit of time;

(3) authorized without limit of time or dollar amounts;

(4) not specifically authorized; or

(5) permanently provided,

as determined by the Director of the Congressional Budget Office.

(h) OTHER DATA.—For each program or group of programs, the program inventory also shall include information prepared by the Director of the Congressional Budget Office indicating each of the following matters:

(1) The amounts of new budget authority authorized and provided for the program for each of the preceding four fiscal years and, where applicable, the four succeeding fiscal years.

(2) The functional and subfunctional category in which the program is presently classified and was classified under the fiscal year 1993 budget.

(3) The identification code and title of the appropriation account in which budget authority is provided for the program.

SEC. 202. EXCHANGE OF INFORMATION.

The General Accounting Office, the Congressional Research Service, and the Congressional Budget Office shall permit the mutual exchange of available information in their possession which would aid in the compilation of the program inventory.

SEC. 203. AGENCY COOPERATION.

The Office of Management and Budget, and the Executive agencies and the subdivisions thereof shall, to the extent necessary and possible, provide the General Accounting Office with assistance requested by the Comptroller General in the compilation of the program inventory.

SEC. 204. CONGRESSIONAL REVIEW.

Each committee of the Senate and the House of Representatives, the Congressional Budget Office, and the Congressional Research Service shall review the program inventory as submitted under section 201 and not later than March 1, 1993, each shall advise the Comptroller General of any revisions in the composition or identification of programs and groups of programs which it recommends. After full consideration of the reports of all such committees and officials, the Comptroller General in consultation with the committees of the Senate and the House of Representatives shall report, not later than May 1, 1993, a revised program inventory to the Senate and the House of Representatives.

SEC. 205. REVISIONS OF INVENTORY.

(a) REVISIONS OF INVENTORY.—The Comptroller General, after the close of each session of the Congress, shall revise the program inventory and report the revisions to the Senate and the House of Representatives.

(b) CONGRESSIONAL REPORT.—After the close of each session of the Congress, the Director of the Congressional Budget Office shall prepare a report, for inclusion in the revised inventory, with respect to each program included in the program inventory and each program established by law during such session, which includes the amount of the new budget authority authorized and the amount of new budget authority provided for the current fiscal year and each of the 5 succeeding fiscal years. If new budget authority is not authorized or provided or is authorized or provided for an indefinite amount for any of such 5 succeeding fiscal years with respect to any program, the Director shall make projections of the amounts of such new budget authority necessary to be authorized or provided for any such fiscal year to maintain a current level of services.

(c) LIST OF PROGRAMS NOT REAUTHORIZED.—Not later than one year after the first or any subsequent reauthorization date, the Director of the Congressional Budget Office, in consultation with the Comptroller General and the Director of the Congressional Research Service, shall compile a list of the provisions of law related to all programs subject to such reauthorization date for which new budget authority was not authorized. The Director of the Congressional Budget Office shall include such a list in the report required by subsection (b). The committees with legislative jurisdiction over the affected programs shall study the affected provisions and make any recommendations they deem to be appropriate with regard to such provisions to the Senate and the House of Representatives.

SEC. 206. ADEQUACY ASSESSMENT.

The Director of the Congressional Budget Office and the Comptroller General shall include in their respective reports to the Congress pursuant to section 202(f) of the Congressional Budget Act of 1974 and section 719 of title 31, United States Code, an assessment of the adequacy of the functional and subfunctional categories contained in section 101(b) of this Act for grouping programs of like missions or objectives.

SEC. 207. REPORT ON PENDING LEGISLATION.

(a) ANNUAL REPORT.—The Director of the Congressional Budget Office shall tabulate and issue an annual report on the progress of congressional action on bills and resolutions reported by a committee of either House or passed by either House which authorize the enactment of new budget authority for programs.

(b) CONTENTS OF REPORT.—The report shall include an up-to-date tabulation for the fiscal year beginning October 1 and the succeeding four fiscal years of the amounts of budget authority—

(1) authorized by law or proposed to be authorized in any bill or resolution reported by any committee of the Senate or the House of Representatives; or

(2) if budget authority is not authorized or proposed to be authorized for any of the 5 fiscal years, the amounts necessary to maintain a current level of services for programs in the inventory.

(c) PROGRAMS SUBJECT TO REAUTHORIZATION.—The Director of the Congressional Budget Office shall issue periodic reports on the programs and the provisions of laws which are scheduled for reauthorization in each Congress pursuant to the reauthorization schedule in section 101(b). In these reports, the Director shall identify each provision of law which authorizes the enactment of new budget authority for programs scheduled for reauthorization and the title of the appropriation bill, or part thereof, which would provide new budget authority pursuant to each authorization.

TITLE III—PROGRAM REEXAMINATION

SEC. 301. REEXAMINATION BY CONGRESS.

(a) COMMITTEE REEXAMINATION.—Each committee of the Senate and the House of Representatives periodically shall provide through the procedures established in section 302, for the conduct of a comprehensive reexamination of selected programs or groups of programs over which it has jurisdiction.

(b) SELECTION CRITERIA.—In selecting programs and groups of programs for reexamination, each committee shall consider each of the following matters:

(1) The extent to which substantial time has passed since the program or group of programs has been in effect.

(2) The extent to which a program or group of programs appears to require significant change.

(3) The resources of the committee with a view toward undertaking reexaminations across a broad range of programs.

(4) The desirability of examining related programs concurrently.

SEC. 302. FUNDING RESOLUTION AND REPORT.

(a) FUNDING RESOLUTION AND REPORT.—(1) The funding resolution first reported by each committee of the Senate in 1994, and thereafter for the first session of each Congress, shall include, and the first funding resolution introduced by each committee of the House of Representatives (and referred to the Committee on House Administration) for such year and thereafter for the first session of each Congress shall include, a section setting forth the committee's plan for reexamination of programs under this title. Such plan shall include each of the following matters:

(A) The programs to be reexamined and the reasons for their selection.

(B) The scheduled completion date for each program reexamination, which date shall not be later than the end of the Congress preceding the Congress in which the reauthorization date applicable to a program occurs as provided in section 101(b), unless the committee explains in a statement in the report accompanying its proposed funding resolution (in the Senate), or in a statement supplied by the respective committee and included in the report of the Committee on House Administration (in the House of Representatives), the reasons for a later completion date, except that reports on programs scheduled for reauthorization during the 103d Congress and selected for reexamination in a committee's plan adopted in 1993 may be submitted at any time on or before February 15, 1994.

(C) The estimated cost for each reexamination.

(2) The report accompanying the funding resolution reported by each committee of the Senate in 1993 and thereafter for the first session of each Congress, shall include, and the report accompanying the funding resolution reported by the Committee on House Administration with respect to each committee of the House of Representatives shall include, a statement of that committee, with respect to each reexamination in its plan, of each of the following matters:

(A) A description of the components of the reexamination.

(B) A statement of whether the reexamination is to be conducted (i) by the committee, or (ii) at the request and under the direction of or under contract with the committee, as the case may be, by one or more instrumentalities of the legislative branch, one or more instrumentalities of the executive branch, or one or more nongovernmental or-

ganizations, or (iii) by a combination of the foregoing.

(3) It shall not be in order to consider a funding resolution with respect to a committee of the Senate or the House of Representatives in 1993, and thereafter for the first session of a Congress, unless—

(A) such resolution includes a section containing the information described in paragraph (1) and the report accompanying such resolution contains the information described in paragraph (2); and

(B) the report required by subsection (c) with respect to each program reexamination scheduled for completion during the preceding Congress by such committee has been submitted for printing.

(4) It shall not be in order to consider an amendment to the section of a funding resolution described in paragraph (1) reported by a committee of the Senate for a year, or reported by the Committee on House Administration with respect to a committee of the House of Representatives for a year—

(A) if such amendment would require reexamination of a program which has been reexamined by such committee under this section during any of the five preceding years;

(B) if such amendment would cause such section not to contain the information described in paragraph (1) with respect to each program to be reexamined by such committee; or

(C) if notice of intention to propose such amendment has not been given to such committee and, in the case of an amendment in the Senate, to the Committee on Rules and Administration of the Senate, or, in the case of an amendment in the House of Representatives, to the Committee on House Administration, not later than January 20 of the calendar year in which such year begins or the first day of the session of the Congress in which such year begins, whichever is later.

The notice required by subparagraph (C) shall include the substance of the amendment intended to be proposed and, if such amendment would add one or more programs to be reexamined, shall include the information described in paragraphs (1) and (2) with respect to each such program. Subparagraph (C) shall not apply to amendments proposed by such committee or by the Committee on Rules and Administration or House Administration, as the case may be.

(b) CONSULTATION WITH OTHER COMMITTEES.—In order to achieve coordination of program reexamination each committee shall, in preparing each reexamination plan required by subsection (a), consult with appropriate committees of the Senate or appropriate committees of the House of Representatives, as the case may be, and shall inform itself of related activities of and support or assistance that may be provided by (1) the General Accounting Office, the Congressional Budget Office, the Congressional Research Service, and the Office of Technology Assessment, and (2) appropriate instrumentalities in the executive and judicial branches.

(c) COMMITTEE REPORTS.—Each committee shall prepare and have printed a report with respect to each reexamination completed under this title. Each such report shall be delivered to the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, not later than the date specified in the resolution and printed as a Senate or House document, accordingly. To the extent permitted by law or regulation, such number of additional copies as the committee may order shall be printed for the use of the committee. If two or more committees have legislative jurisdiction over the same program or portions of the same program, such committees may reexamine such program jointly and submit a joint report with respect to such reexamination.

(d) CONTENTS OF COMMITTEE REPORT.—The report pursuant to subsection (c) shall set forth the findings, recommendations, and justifications with respect to the program, and shall include to the extent the committee deems appropriate, each of the following matters:

(1) An identification of the objectives intended for the program and the problem it was intended to address.

(2) An identification of any trends, developments, and emerging conditions which are likely to affect the future nature and extent of the problems or needs which the program is intended to address and an assessment of the potential primary and secondary effects of the proposed program.

(3) An identification of any other program having potentially conflicting or duplicative objectives.

(4) A statement of the number and types of beneficiaries or persons served by the program.

(5) An assessment of the effectiveness of the program and the degrees to which the original objectives of the program or group of programs have been achieved.

(6) An assessment of the cost effectiveness of the program, including where appropriate, a cost-benefit analysis of the operation of the program.

(7) An assessment of the relative merits of alternative methods which could be considered to achieve the purposes of the program.

(8) Information on the regulatory, privacy, and paperwork impacts of the program.

(e) TITLE I SATISFIED.—A report submitted pursuant to this section shall be deemed to satisfy the reauthorization review requirements of title I.

SEC. 303. EXECUTIVE REVIEW.

Each department or agency of the executive branch which is responsible for the administration of a program selected for reexamination pursuant to this title shall, not later than 6 months before the completion date specified for reexamination reports pursuant to section 302(a)(1)(B), submit to the Office of Management and Budget and to the appropriate committee or committees of the Senate and the House of Representatives a report of its findings, recommendations, and justifications with respect to each of the matters set forth in section 302(d), and the Office of Management and Budget shall submit to such committee or committees such comments as it deems appropriate.

SEC. 304. DEFINITIONS.

For the purposes of this title—

(1) The term "funding resolution" means, with respect to each committee of the House of Representatives, the primary funding resolution for such committee which is effective for the duration of a Congress.

(2) An amendment to a funding resolution includes a resolution of the Senate which amends such funding resolution.

TITLE IV—MISCELLANEOUS

SEC. 401. AGENCY APPROPRIATIONS REQUESTS.

Section 1108(e) of title 31, United States Code, is amended by inserting before the period a comma and "or at the request of a committee of either House of Congress presented after the day on which the President transmits the budget to the Congress under section 1105 of this title for the fiscal year".

SEC. 402. NONDISCLOSURE.

Nothing in this Act shall require the public disclosure of matters that are specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order, or which are otherwise specifically protected by law.

SEC. 403. RULEMAKING.

The provisions of this section and sections 101(a), 101(b), 101(c)(1), 101(c)(2), 101(c)(5), 102, 104(a), 104(c), 104(d), 104(e), 104(f), 104(g), title III (except section 303), section 405, and section 406 of this Act are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SEC. 404. EXECUTIVE ASSISTANCE AND REGULATORY DUPLICATION AND CONFLICTS REPORT.

(a) EXECUTIVE ASSISTANCE.—(1) To assist in the review or reexamination of a program, the head of an agency which administers such program and the head of any other agency, when requested, shall provide to each committee of the Senate and the House of Representatives which has legislative jurisdiction over such program such studies, information, analyses, reports, and assistance as the committee may request.

(2) Not later than 6 months before the first reauthorization date specified for a program in section 101(b) the head of the agency which administers such program or the head of any other agency, when requested by a committee of the Senate or the House of Representatives, shall conduct a review of those regulations currently promulgated and in use by that agency which the committee specifically has requested be reviewed and submit a report to the Senate or the House of Representatives as the case may be, setting forth the regulations that agency intends to retain, eliminate, or modify if the program is reauthorized and stating the basis for its decision.

(3) On or before October 1 of the year preceding the beginning of the Congress in which occurs the reauthorization date for a program, the Comptroller General shall furnish to each committee of the Senate and the House of Representatives which has legislative jurisdiction over such program a listing of the prior audits and reviews of such program completed during the preceding 6 years.

(4) Consistent with the discharge of the duties and functions imposed by law on them or their respective Offices or Service, the Comptroller General, the Director of the Congressional Budget Office, the Director of the Office of Technology Assessment, and the Director of the Congressional Research Service shall furnish to each committee of the Senate and the House of Representatives such information, analyses, and reports as the committee may request to assist it in conducting reviews or evaluations of programs.

(b) REGULATORY DUPLICATION AND CONFLICT REPORT.—(1) On or before October 1 of the year preceding the beginning of the Congress in which occurs the reauthorization date for a program, the President, with the coopera-

tion of the head of each appropriate agency, shall submit to the Congress a "Regulatory Duplication and Conflict Report" for all such programs scheduled for reauthorization in the next Congress.

(2) Each such regulatory duplication and conflicts report shall—

(A) identify regulatory policies, including data collection requirements, of such programs or the agencies which administer them, which duplicate or conflict with each other or with rules or regulations or regulatory policies of other programs or agencies, and identify the provisions of law which authorize or require such duplicative or conflicting regulatory policies or the promulgation of such duplicative or conflicting rules or regulations;

(B) identify the regulatory policies, including data collection requirements, of such programs which are, or which tend to be, duplicative of or in conflict with rules or regulations or regulatory policies of State or local governments; and

(C) contain recommendations which address the conflicts or duplications identified in subparagraphs (A) and (B).

(3) The regulatory duplication and conflicts report submitted by the President pursuant to this subsection shall be referred to the committee or committees of the House of Representatives and the Senate with legislative jurisdiction over the programs affected by the reports.

SEC. 405. SUNSET REAUTHORIZATION BILL.

(a) COMMITTEE INTRODUCTION.—Not later than 15 days after the beginning of the second regular session of the Congress in which occurs the reauthorization date applicable to a program under section 101(b), the chairmen of the committees of the Senate and the House of Representatives having legislative jurisdiction over such programs shall introduce, in their respective Houses, a bill which, if enacted into law, would constitute a required authorization (as defined in section 101(c)(1)(B)), and such a bill (hereafter in this section referred to as a "sunset reauthorization bill") shall be referred to the appropriate committee of the Senate or the House of Representatives, as the case may be. This subsection shall not apply in the case of a program which has been reauthorized by a required authorization which was signed into law by the President prior to 15 days after the beginning of the second regular session of the Congress in which occurs the reauthorization date applicable to such program.

(b) DISCHARGE FOR FAILURE TO CONSIDER.—If the committee to which a sunset reauthorization bill for a program has not reported such bill by May 15 of the year in which the reauthorization date for such program occurs, and no other bill which would constitute a required authorization for such program has been enacted into law by that date, it is in order to move to discharge the committee from further consideration of the sunset reauthorization bill at any time thereafter.

(c) DISCHARGE PROCEDURES.—The provisions of section 912(a) of title 5, United States Code, as it relates to the discharge of resolutions of disapproval on reorganization plans, shall apply to motions to discharge sunset reauthorization bills, and the provisions of subsections (b)(2), (c) (2) through (5), and (d) of section 1017 of the Impoundment Control Act of 1974, insofar as they relate to the consideration of rescission bills shall apply to the consideration of such sunset reauthorization bills, amendments thereto, motions and appeals with respect thereto, and conference reports thereon.

SEC. 406. COMMITTEE JURISDICTION OVER ACT.

The Committees on Governmental Affairs and on Rules and Administration of the Senate and the Committees on Government Operations and on Rules of the House of Representatives shall review the operation of the procedures established by this Act, and shall submit a report not later than December 31, 1998, and each 5 years thereafter, setting forth their findings and recommendations. Such reviews and reports may be conducted jointly.

SEC. 407. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal years ending before October 1, 2003, such sums as may be necessary to carry out the review requirement of titles I and III and the requirements for the compilation of the inventory of Federal programs as set forth in title II.

By Mr. BIDEN:

S. 2658. A bill to authorize the Secretary of Commerce to make grants to States and local governments for the construction of projects in areas of high unemployment, and for other purposes; to the Committee on Environment and Public Works.

INFRASTRUCTURE GROWTH AND EMPLOYMENT ACT

• Mr. BIDEN. Mr. President, we are now taking the first steps back from a recession unique in the economic history of our country. Last year was the first in a decade in which our economy actually produced less than the year before. More troubling than this one-time shrinkage is the fact that during the preceding years, our country's economy failed to grow at a sufficient rate to create new jobs or sustain new businesses.

Despite understandable relief that the worst appears to be over, recent economic statistics do not obscure the fact that at best our economy is expected to grow at only half the rate of previous recoveries. Unlike our experience in earlier upswings, the economy is not getting better fast enough to bring down unemployment or to slow the pace of business failures.

Last year at this time, we were given reason to believe that recovery was imminent, only to find ourselves sliding back into the rut of economic activity barely sufficient to register in the statistics. The mixed signals of this upturn do not lend hope that we will finally see the vibrant recovery that we are all hoping for.

One of the reasons this recovery has been different from others is the extent of structural change in American industry. Unemployment in earlier recessions was largely due to temporary layoffs that would be reversed when the bottom of the business cycle was passed. But in recent years, many of the largest institutions in the American economy—General Motors, IBM, and in my own State of Delaware, DuPont—have undertaken major restructuring that will mean the permanent loss of the kind of middle-class jobs—skilled workers, managers, engineers—that signal fundamental change is taking place.

This latest recession has been an early warning of a bleak future for the American economy if we do not begin to take control of our destiny in an evolving world economic system. It is also a reminder of the weaknesses built into our system by more than a decade of accumulated public and private debt. As individuals and businesses have worked to pay off that accumulated load of debt, they have been reluctant to spend and invest at levels characteristic of earlier recoveries.

The debt burdens of this country have received much comment in recent years, but their consequences are subtle, showing up in ways that are difficult to associate directly with the abstract roots of their cause. And we have another deficit, one that has been growing quietly, and one that often breaks into our awareness in ways that are impossible to ignore.

That deficit is the accumulated neglect of our infrastructure. The recent Chicago flood is only the latest in a series of infrastructure failures. Too frequently, we see powerful images reminding us that under our homes and stores and factories, on our bridges and highways, the corrosion of neglect has been weakening our economy.

Today, I am introducing legislation that will support this fragile economic recovery and set American businesses and workers to the task of rebuilding our country's foundations. It will provide needed funds to our financially strapped State and local governments to start infrastructure investment projects that will create jobs now and that will make our economy more efficient and competitive in the future.

I have traveled extensively throughout my own State in recent weeks to discern the strength of the recovery and to test the need for this proposal. With no exceptions, business, labor, and civic leaders, agreed that the economic recovery needs support, and greeted this proposal with enthusiasm. It is a plan with which many of them were familiar; a similar program in the mid-1970's was successful in combating recession and rehabilitating public works. Hundreds of those projects are still standing and contributing to our economy today.

Across the economic and ideological spectrum, there is a consensus that we need increased economic activity now, and the best place to focus our efforts is in our long-neglected infrastructure.

My plan targets areas of the country with the highest levels of unemployment, funding construction projects that have been put on hold due to the financial strain on State and local governments in the recent recession. These are projects that are ready to go now, that have been studied for their merits, and are important for the economy. In my State and across the coun-

try, localities find that businesses cannot build new plants and create new jobs without improved and rehabilitated roads, bridges, and water systems.

To provide the widest distribution of infrastructure investment, my plan ensures that funds—and assistance to prepare and administer grants—are set aside for smaller local governments. Matching funds will be required to leverage local resources, weed out unnecessary projects, and ensure local commitment.

To assure appropriate timing of the investment stimulus, the program will terminate should national unemployment rates drop below 6 percent, or at the end of fiscal year 1993, whichever comes first. Based on current projections, even those of the administration, this recovery will need assistance creating jobs well into next year. That is what my bill will provide.

I hope that my colleagues will join me in this proposal, a tested plan to boost a fragile economic recovery and to rebuild the economic foundations of our country.

I ask unanimous consent that the full text of my bill be printed in the RECORD.

Thre being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2658

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Infrastructure Growth and Employment Act of 1992".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the national economy has failed for several years to maintain sufficient levels of economic growth;

(2) the current inadequate levels of economic activity are anticipated to persist into the foreseeable future, even with the return of modest economic growth;

(3) this prospect will mean continued high rates of business failures and unemployment, increased Federal spending and reduced revenues, thereby deepening the Federal deficit;

(4) recovery of the economy and reduction of the Federal deficit depend on the creation of higher levels of employment and economic activity;

(5) in recent years all levels of government have neglected to add to or maintain existing public infrastructure essential to economic efficiency and the future prosperity of the country; and

(6) recovery from current economic problems and the future efficiency and competitiveness of the national economy will be substantially enhanced by a program of Federal Government assistance to State and local governments to construct and rehabilitate the Nation's economic infrastructure.

SEC. 3. DIRECT GRANTS.

(a) CONSTRUCTION.—The Secretary is authorized to make grants to any State or local government for the construction (including demolition and other site preparation activities), renovation, repair, or other improvement of local public works projects, including those public works projects of State and local governments for which Federal financial assistance is authorized under provisions of law other than this Act. To the extent appropriate, the Secretary may coordinate with other federal agencies in assessing grant requests.

(b) FEDERAL SHARE.—The Federal share of any project for which a grant is made under this section shall be 80 percent of the cost of the project.

(c) TERMINATION OF GRANTS.—No grants shall be made pursuant to this Act after the expiration of any 3-consecutive-month period during which the national unemployment rate remained below 6 percent for each such month, or after September 30, 1993, whichever first occurs.

SEC. 4. ALLOCATION OF FUNDS; PREFERENCES.

(a) ALLOCATION OF FUNDS.—The Secretary shall allocate funds appropriated pursuant to section 8 of this Act as follows:

(1) INDIAN TRIBES.—Three-quarters of one percent of such funds shall be set aside and shall be expended only for grants for public works projects under this Act to Indian tribes and Alaska Native villages. None of the remainder of such funds shall be expended for such grants to such tribes and villages.

(2) OTHERS.—After the set-aside required by paragraphs (1), (3) and (4) of this subsection, 60 percent of such funds shall be allocated among the States on the basis of the ratio that the number of unemployed persons in each State bears to the total number of unemployed persons in all the States and 30 percent of such funds shall be allocated among those States with an average unemployment rate for the preceding 6-month period in excess of 6 percent on the basis of the relative severity of unemployment in each such State, except that no State shall be allocated less than three-quarters of one percent or more than twelve and one-half percent of such funds for local public works projects within such State, except that in the case of Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, not less than one-half of one percent in the aggregate shall be granted for such projects in all 4 of such territories.

(3) SET-ASIDE.—Not less than 10 percent of such funds shall be set aside and shall be expended only for grants for public work projects under this Act for local units of general government with populations under 10,000.

(4) DEVELOPMENT AND ADMINISTRATION.—Up to three-quarters of one percent of the total grant award will be available for project development and preparation, and for ongoing project administration. This allocation will be available for local units of government defined as nonentitlement under the Housing and Urban Development Community Development Block Grant Program. Such allocation shall not exceed $15,000 for any single grant award.

(b) PREFERENCES.—

(1) LOCAL GOVERNMENT PROJECTS.—In making grants under this Act, the Secretary shall give priority and preference to public works projects of local governments.

(2) LOCALLY ENDORSED PROJECTS.—In making grants under this Act, the Secretary shall also give priority and preference to any public works project requested by a State or by a special purpose unit of local government which is endorsed by a general purpose local government within such State.

(3) SCHOOL DISTRICT PROJECTS.—A project requested by a school district shall be accorded the full priority and preference to public works projects of local governments provided in this subsection.

(4) NEW BUSINESS PROJECTS.—A project that creates or adds to an industrial research or development park in which space is allocated for new business ventures shall be accorded full priority and preference. For the purposes of this section, new business ventures shall be limited to those with a capitalization of $10,000,000 or less.

(5) APPLIED INDUSTRIAL RESEARCH PROJECTS.—A project that creates or adds to an applied research facility at an institution of higher education, and that facility is intended to promote the development of new products and processes, or that the Secretary determines will improve the competitiveness of American industry shall be accorded full priority and preference. For projects under this section, matching funds requirements shall be waived if the company or companies and school involved commit, in the Secretary's determination, to undertake all future equipment and maintenance expenses.

(c) HIGH UNEMPLOYMENT RATES.—

(1) PRIORITY.—In making grants under this Act, if for the 12 most recent consecutive months, the average national unemployment rate is equal to or exceeds 6 percent, the Secretary shall (A) expedite and give priority to applications submitted by States or local governments having unemployment rates for the 12 most recent consecutive months in excess of the national unemployment rate, and (B) shall give priority thereafter to applications submitted by States or local governments having average unemployment rates for the 12 most recent consecutive months in excess of 6 percent, but less than the national unemployment rate.

(2) INFORMATION REGARDING UNEMPLOYMENT RATES.—Information regarding unemployment rates may be furnished either by the Federal Government, or by States or local governments, provided the Secretary (A) determines that the unemployment rates furnished by States or local governments are accurate, and (B) shall provide assistance to States or local governments in the calculation of such rates to ensure validity and standardization.

(3) LIMITATION ON APPLICABILITY.—Paragraph (1) of this subsection shall not apply to any State which receives a minimum allocation pursuant to paragraph (2) of subsection (a) of this section.

(d) STATE AND LOCAL PRIORITIZATION OF APPLICATIONS.—Whenever a State or local government submits applications for grants under this Act for 2 or more projects, such State or local government shall submit as part of such applications its priority for each such project.

(e) LOCALIZATION OF UNEMPLOYMENT DETERMINATIONS.—The unemployment rate of a local government may, for the purposes of this Act, and upon request of the applicant, be based upon the unemployment rate of any community or neighborhood (defined without regard to political or other subdivisions or boundaries) within the jurisdiction of such local government.

SEC. 5. RULES, REGULATIONS, AND PROCEDURES.

(a) IN GENERAL.—The Secretary shall, not later than 30 days after date of enactment of this Act, prescribe those rules, regulations, and procedures (including application forms) necessary to carry out this Act. Such rules, regulations, and procedures shall assure that adequate consideration is given to the relative needs of various sections of the coun-

try. The Secretary shall consider among other factors (1) the severity and duration of unemployment in proposed project areas, (2) the income levels and extent of underemployment in proposed project areas, and (3) the extent to which proposed projects will contribute to the reduction of unemployment.

(b) CONSIDERATION OF APPLICATIONS.—The Secretary shall make a final determination with respect to each application for a grant submitted to him under this Act not later than the 60th day after the date the Secretary receives such application.

(c) CONSIDERATION OF CONSTRUCTION INDUSTRY UNEMPLOYMENT.—For purposes of this section, in considering the extent of unemployment or underemployment, the Secretary shall consider the amount of unemployment or underemployment in the construction and construction-related industries.

SEC. 6. GENERAL LIMITATIONS.

(a) ACQUISITION OF LAND.—No part of any grant made under section 3 of this Act shall be used for the acquisition of any interest in real property.

(b) MAINTENANCE COSTS.—Nothing in this Act shall be construed to authorize the payment of maintenance costs in connection with any projects constructed (in whole or in part) with Federal financial assistance under this Act.

(c) ON-SITE LABOR.—Grants made by the Secretary under this Act shall be made only for projects for which the applicant gives satisfactory assurances, in such manner and form as may be required by the Secretary and in accordance with such terms and conditions as the Secretary may prescribe, that, if funds are available, on-site labor work can begin within 90 days of project approval.

(d) CONTRACTING.—

(1) CONTRACTING OUT REQUIRED.—No part of the construction (including demolition and other site preparation activities), renovation, repair, or other improvement of any public works project for which a grant is made under this Act shall be performed directly by any department, agency, or instrumentality of any State or local government.

(2) COMPETITIVE BIDDING.—Construction of each project for which a grant is made under this Act shall be performed by contract awarded by competitive bidding, unless the Secretary shall affirmatively find that, under the circumstances relating to such project, an alternative method is in the public interest.

(3) LOWEST RESPONSIVE BID.—Contracts for the construction of each project for which a grant is made under this Act shall be awarded only on the basis of the lowest responsive bid submitted by a bidder meeting established criteria of responsibility.

(4) ADVERTISING.—No requirement or obligation shall be imposed as a condition precedent to the award of a contract to a bidder for a project for which a grant is made under this Act, or to the Secretary's concurrence in the award of a contract to such bidder, unless such requirement or obligation is otherwise lawful and is specifically set forth in the advertised specifications.

(e) ENVIRONMENTAL SAFEGUARDS.—All local public works projects carried out with Federal financial assistance under this Act shall comply with all relevant Federal, State, and local environmental laws and regulations.

(f) BUY AMERICAN.—If a local public works project carried out with Federal financial assistance under this Act would be eligible for Federal financial assistance under provisions of law other than this Act and, under such other provisions of law, would be subject to title III of the Act of March 3, 1933, popularly known as the Buy American Act, or similar requirements, such project shall be subject to such title of such Act of March 3, 1933, or such similar requirements under this Act in the same manner and to the same extent as such project would be subject to such title of such Act of March 3, 1933, or such similar requirements under such other provisions of law.

(g) MINORITY PARTICIPATION.—If a local public works project carried out with Federal financial assistance under this Act would be eligible for Federal financial assistance under provisions of law other than this Act and, under such other provisions of law, would be subject to any minority participation requirement, such project shall be subject to such requirement under this Act in the same manner and to the same extent as such project would be subject to such requirement under such other provisions of law.

(h) APPLICABILITY OF LAWS REGARDING INDIVIDUALS WITH DISABILITIES.—Sections 504 and 505 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990 shall apply to local public works projects carried out under this Act.

SEC. 7. PREVAILING RATE OF WAGES.

If a local public works project carried out with Federal financial assistance under this Act would be eligible for Federal financial assistance under provisions of law other than this Act and, under such other provisions of law, would be subject to the Act of March 3, 1931, known as the Davis-Bacon Act (40 U.S.C. 276a–276a–5), or similar requirements, such project shall be subject to such Act of March 3, 1931, or such similar requirements under this Act in the same manner and to the same extent as such project would be subject to such Act of March 3, 1931, or such similar requirements under such other provisions of law.

SEC. 8. FUNDING.

There is authorized to be appropriated $20,000,000,000 to carry out this Act. Moneys appropriated pursuant to this authorization shall remain available until expended.

SEC. 9. DEFINITIONS.

As used in this Act, the following definitions apply:

(1) SECRETARY.—The term "Secretary" means the Secretary of Commerce, acting through the Economic Development Administration.

(2) LOCAL GOVERNMENT.—The term "local government" means any city, county, town, parish, or other political subdivision of a State, and any Indian tribe.

(3) PUBLIC WORKS.—The term "public works" includes water and sewer lines, streets and roads, water and sewage treatment plants, port facilities, police and fire stations, detention centers, schools, health facilities, and industrial research or development parks, research facilities at institutions of higher education and other projects the Secretary determines to be appropriate.

(4) STATE.—The term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.•

By Mr. PRYOR (for himself and Mr. BOREN):

S.J. Res. 297. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT PROVIDING FOR DIRECT POPULAR ELECTIONS OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. PRYOR. Mr. President, today in behalf of myself and Senator BOREN of Oklahoma, I am introducing a joint resolution to amend the Constitution of the United States to provide for the direct popular election of the President and Vice President of the United States.

Mr. President, the basic constitutional voting doctrine of one person, one vote applies to every election in America, from U.S. Senator to county clerk, local officials, school boards, and all the rest. This basic principle applies to every elected official in America except two: The President of the United States and the Vice President of the United States. Every single political official in the United States today is elected directly by the voters, except the President and the Vice President.

Mr. President, it is now time to trust the American voter with the power to directly elect our national leaders. It is time to close the doors on the electoral college.

One of the very first bills that I cosponsored after entering the Senate in 1979 was a resolution such as this, authored at that time by Birch Bayh, my good friend and then the Senator from Indiana.

I also have had the privilege of voting in favor of such a resolution as a House Member in 1969, when it passed the House of Representatives by a vote of 339 to 70; and again as a U.S. Senator in 1979, when it failed to achieve the necessary two-thirds majority. At that time the Senate, by a vote of 51 to 48, said that we need to abolish the electoral college and have the direct election for President and Vice President.

The passage of time has only increased my desire to see this legislation pass and let the American voters, not 538 mysterious electors, choose our President and Vice President. We are fast approaching the November Presidential election with the possibility of not two, but three, viable candidates: President George Bush, Governor Bill Clinton, and H. Ross Perot.

It is quite possible that we will awaken on the morning of November 4 facing a constitutional crisis that many of us have feared for several decades. If none of the Presidential candidates receives an electoral majority, 270 of the 538 electoral college votes, our Nation's leader will be chosen by the House of Representatives, and this body, the U.S. Senate, will be choosing the Vice President of the United States. With voter distrust of Congress at an all-time high, I can not begin to imagine the reaction of the American people

when they realize that Congress—not the voters, but the Congress—would then select the President and Vice President.

The present electoral process also allows for the possible election of a so-called minority President. In 1824, 1876, and 1888, the electoral college awarded the Presidency to the candidate who received fewer popular votes than his opponent because of the winner-take-all rule, which is still used in 48 of our 50 States. The winner-take-all rule, or unit rule, simply means the candidate receiving a plurality of the State's votes receives all of that State's electoral votes. Winning a State by one vote is the same in the electoral college system as winning by a million votes.

Although over 100 years have passed since our last minority President was elected, but close calls in 1968 and 1976 present persuasive evidence this possibility could happen in modern times. In 1976 a shift of merely 10,000 votes in Hawaii and Ohio would have awarded the election to Gerald Ford, even though Jimmy Carter received nearly 2 million more popular votes nationwide. A shift of 15,000 votes in Ohio and Delaware would have led to a 269–269 electoral vote tie and thrown that election into the House of Representatives.

The near miss of 1968 presents the closest parallel with our election this year. In 1968, the Democratic candidate was Hubert Humphrey, the Republican candidate was Richard Nixon, and George Wallace ran as an Independent. In the final analysis, Governor Wallace came within 54,000 votes of denying either candidate an electoral majority, which would have thrown the election in 1968 into the House of Representatives. Even more frightening was what was allegedly going to happen. Governor Wallace, at that time—allegedly, I say, Mr. President—might have been prepared to sell his electors to the highest bidder to decide that election in the electoral college. That fact, Mr. President, is only an allegation. That may not be true. This possibility, however, exists because electors may vote for anyone they wish in the electoral college. They are not legally bound to vote for their designated candidate.

The electoral college has erred three times and come close to misfiring in numerous other elections. Albert Einstein once said, "God doesn't play dice with the universe," but our electoral college surely gambles with the highest office in the land. The American voters should not have to take that risk.

The answer to these problems lies with the direct election, which is so clear, simple, and honest way of electing the President.

The direct election of the President will give every person in our country an equal voice in the election of our two highest officials. Mr. President, it is time for our country, which believes in the equality of citizens, to adopt an election framework which ensures the same equality at the voting booth.

The electoral college arose out of fear—a fear of the uneducated, uninformed masses deciding the occupants of the highest offices in the land. The advent of television, radio, and daily newspapers enables every citizen in America to be well-informed about Presidential candidates and also the issues which are discussed in those Presidential and Vice Presidential campaigns. Times have changed since 1787, and the Constitution must now reflect those changes.

There have been seven constitutional amendments to expand the rights of our citizens to vote, including an amendment to provide for the direct election of every Member of this body back in 1913. It is time now to expand the right to vote for President and for Vice President of the United States to each citizen and to remove that power from a mere 538 electors.

In the coming weeks and months, I will summarize the various arguments in favor of a direct popular election for the Presidency in speeches on the Senate floor. Since 1979, the last time the Senate fully debated this matter, 51 new Members have joined this body. I encourage all my colleagues, especially those who have joined this body since 1979, to join me in this debate on this very important and needed reform in the Presidential election process. Mr. President, it is time for the people of America to choose our President and Vice President.

I send to the desk, a Senate joint resolution, and ask unanimous consent it be printed in the RECORD.

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

S.J. RES. 297

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

"ARTICLE—

"SECTION 1. The people of the several States and the District constituting the seat of Government of the United States shall elect the President and Vice President. Each elector shall cast a single vote for two persons who shall have consented to the joining of their names as candidates for the offices of President and Vice President. No candidate shall consent to the joining of his or her name with that of more than one other person.

"SEC. 2. The electors of President and Vice President in each State shall have the qualifications requisite for electors of the branch of the State legislature that has the greatest number of members, except that the legislature of a State may prescribe residence qualifications for the former electors that are less restrictive than the residence qualifications for the latter electors, and except that the residence qualifications for the former electors shall conform with any uniform residence qualifications that are enacted by Congress.

"SEC. 3. The persons joined as candidates for President and Vice President having the greatest number of votes shall be elected President and Vice President, if that number constitutes at least 40 percent of the whole number of votes cast.

"If, after any such election, none of the persons joined as candidates for President and Vice President is elected pursuant to the preceding paragraph, a runoff election shall be held in which the choice of President and Vice President shall be made between the two pairs of persons joined as candidates for President and Vice President who received the highest number of votes cast in the election. The pair of persons joined as candidates for President and Vice President receiving the greater number of votes in the runoff election shall be elected President and Vice President.

"SEC 4. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature of the State, but the Congress may at any time by law make or alter such regulations. The days for such elections shall be determined by Congress and shall be uniform throughout the United States. The Congress shall prescribe by law the times, places, and manner in which the results of such elections shall be ascertained and declared. No such election, other than a runoff election, shall be held later than the first Tuesday after the first Monday in November, and the results of the election shall be declared no later than the thirtieth day after the date on which the election occurs.

"SEC. 5. The Congress may be law provide for the case of the death, inability, or withdrawal of a candidate for President, a candidate for Vice President, or both, before a President and Vice President have been elected.

"SEC. 6. Sections 1, 2, 3, and 4 of this article shall take effect two years after the ratification of this article.

"SEC. 7. The Congress shall have the power to implement and enforce this article by appropriate legislation.".

ADDITIONAL COSPONSORS

S. 225

At the request of Mr. WARNER, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 225, a bill to expand the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park, Virginia.

S. 388

At the request of Mr. BAUCUS, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 388, a bill to amend the Trade Act of 1974 to provide that interested persons may request review by the Trade Representative of a foreign country's compliance with trade agreements.

S. 703

At the request of Mr. ROCKEFELLER, the name of the Senator from West

Virginia [Mr. BYRD] was added as a cosponsor of S. 703, a bill to amend the Harmonized Tariff Schedule of the United States to correct the tariff rate inversion on certain iron and steel pipe and tube products.

S. 761

At the request of Mr. LIEBERMAN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 761, a bill to reduce hazardous pollution.

S. 1100

At the request of Mr. KERRY, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 1100, a bill to authorize the Secretary of Housing and Urban Development to provide grants to urban and rural communities for training economically disadvantaged youth in education and employment skills and to expand the supply of housing for homeless and economically disadvantaged individuals and families.

S. 1130

At the request of Mr. KASTEN, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1130, a bill to amend the Internal Revenue Code of 1986 to provide for rollover of gain from sale of farm assets into an individual retirement account.

S. 1178

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1178, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for expenditures for vehicles which may be fueled by clean-burning fuels, for converting vehicles so that such vehicles may be so fueled, or for facilities for the delivery of such fuels, and for other purposes.

S. 1240

At the request of Mr. CHAFEE, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 1240, a bill to amend title XIX of the Social Security Act to provide criteria for making determinations of denial of payment to States under such Act.

S. 1261

At the request of Mr. DOLE, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1261, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury excise tax.

S. 1698

At the request of Mr. SARBANES, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1698, a bill to establish a National Fallen Firefighters Foundation.

S. 1761

At the request of Mr. DASCHLE, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1761, a bill to regulate above ground storage tanks used to store regulated substances, and for other purposes.

S. 1850

At the request of Mr. BAUCUS, the names of the Senator from Ohio [Mr. GLENN], the Senator from Alabama [Mr. HEFLIN], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 1850, a bill to extend the period during which the U.S. Trade Representative is required to identify trade liberalization priorities, and for other purposes.

S. 1852

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1852, a bill to amend the Social Security Act with respect to Medicare to protect the wage index for an urban area in a State if such wage index is below the rural wage index for such State for purposes of calculating payments to hospitals for inpatient hospital services, and for other purposes.

S. 1866

At the request of Mr. KENNEDY, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1866, a bill to promote community based economic development and to provide assistance for community development corporations, and for other purposes.

S. 1988

At the request of Mr. COHEN, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1988, a bill to amend title XVIII of the Social Security Act to provide for improved standards to prevent fraud and abuse in the purchasing and rental of durable medical equipment and supplies, and prosthetics and orthotics, and prosthetic devices under the medicare program, and for other purposes.

S. 2027

At the request of Mr. CHAFEE, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 2027, a bill to amend title XVIII of the Social Security Act to eliminate the annual cap on the amount of payment for outpatient physical therapy and occupational therapy services under part B of the medicare program.

S. 2064

At the request of Mr. HATFIELD, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 2064, a bill to impose a 1-year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period.

S. 2087

At the request of Mr. SIMON, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 2087, a bill to prohibit certain use of the terms "Visiting Nurse Association", "Visiting Nurse Service", "VNA", and "VNS".

S. 2328

At the request of Mr. BROWN, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 2328, a bill to provide that for taxable years beginning before 1980 the Federal income tax deductibility of flight training expenses shall be determined without regard to whether such expenses were reimbursed through certain veterans educational assistance allowances.

S. 2335

At the request of Mr. HATFIELD, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 2335, a bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, and to provide resources for State pollution prevention and recycling programs, and for other purposes.

S. 2362

At the request of Mr. MCCAIN, the names of the Senator from Nebraska [Mr. EXON] and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of S. 2362, a bill to amend title XVIII of the Social Security Act to repeal the reduced medicare payment provision for new physicians.

S. 2374

At the request of Mr. SEYMOUR, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2374, a bill to amend the Child Nutrition Act of 1966 to establish a breastfeeding promotion program.

S. 2387

At the request of Mr. LEAHY, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of S. 2387, a bill to make appropriations to begin a phase-in toward full funding of the special supplemental food program for women, infants, and children (WIC) and of Head Start programs, to expand the Job Corps program, and for other purposes.

S. 2389

At the request of Mr. BRADLEY, the names of the Senator from Wyoming [Mr. WALLOP], the Senator from Delaware [Mr. BIDEN], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 2389, a bill to extend until January 1, 1999, the existing suspension of duty on Tamoxifen citrate.

S. 2491

At the request of Mr. HATFIELD, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 2491, a bill to amend the Job Training Partnership Act to establish an Endangered Species Employment Transition Assistance Program, and for other purposes.

S. 2511

At the request of Mrs. KASSEBAUM, the names of the Senator from North

Dakota [Mr. CONRAD] and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 2511, a bill to exempt certain financial institutions from the examination requirements of the Community Reinvestment Act of 1977.

S. 2533

At the request of Mr. INOUYE, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 2533, a bill to amend the Earthquake Hazards Reduction Act of 1977 to encourage implementation of research results, to protect life and property, and to facilitate the provision of insurance against the risk of catastrophic earthquakes and volcanic eruptions, and for other purposes.

S. 2542

At the request of Mr. DURENBERGER, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 2542, a bill to suspend until January 1, 1995, the duty on certain internally lighted ceramic and porcelain miniatures of cottages, houses, churches, and other buildings and associated accessories and figurines.

S. 2543

At the request of Mr. MCCAIN, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of S. 2543, a bill to amend the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, to prevent the transfer of certain goods or technology to Iraq or Iran, and for other purposes.

S. 2624

At the request of Mr. GLENN, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 2624, a bill to authorize appropriations for the Interagency Council on the Homeless, the Federal Emergency Management Food and Shelter Program, and for other purposes.

S. 2627

At the request of Mr. GRAMM, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2627, a bill to ensure the preservation of the Gulf of Mexico by establishing within the Environmental Protection Agency a Gulf of Mexico Program Office.

SENATE JOINT RESOLUTION 182

At the request of Mr. KASTEN, the names of the Senator from Kansas [Mr. DOLE] and the Senator from Texas [Mr. GRAMM] were added as cosponsors of Senate Joint Resolution 182, a joint resolution proposing a balanced budget amendment to the Constitution of the United States.

SENATE JOINT RESOLUTION 231

At the request of Mr. THURMOND, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Illinois [Mr. SIMON], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from South Carolina [Mr. HOLLINGS], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Ohio [Mr. METZENBAUM], the Senator from Colorado [Mr. BROWN], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Washington [Mr. GORTON] were added as cosponsors of Senate Joint Resolution 231, a joint resolution to designate the month of May 1992, as "National Foster Care Month."

SENATE JOINT RESOLUTION 241

At the request of Mr. SPECTER, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Joint Resolution 241, designating October 1992 as "National Domestic Violence Awareness Month."

SENATE JOINT RESOLUTION 242

At the request of Mr. SPECTER, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Joint Resolution 242, a joint resolution to designate the week of September 13, 1992, through September 19, 1992, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 247

At the request of Mr. DOLE, the names of the Senator from Maine [Mr. COHEN], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 247, a joint resolution designating June 11, 1992, as "National Alcoholism and Drug Abuse Counselors Day."

SENATE JOINT RESOLUTION 251

At the request of Mrs. KASSEBAUM, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 251, a joint resolution to designate the month of May 1992 as "National Huntington's Disease Awareness Month."

SENATE JOINT RESOLUTION 252

At the request of Mr. DIXON, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 252, a joint resolution designating the week of April 19–25, 1992, as "National Credit Education Week."

SENATE JOINT RESOLUTION 258

At the request of Mr. RIEGLE, the names of the Senator from Nebraska [Mr. EXON] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Joint Resolution 258, a joint resolution designating the week commencing May 3, 1992, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 260

At the request of Mr. COCHRAN, the names of the Senator from Ohio [Mr. METZENBAUM], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Joint Resolution 260, a joint resolution designating the week of October 18, 1992, through October 24, 1992, as "National School Bus Safety Week."

SENATE JOINT RESOLUTION 264

At the request of Mr. SEYMOUR, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of Senate Joint Resolution 264, a joint resolution designating May 1992 as "National Community Residential Care Month."

SENATE JOINT RESOLUTION 266

At the request of Mr. THURMOND, the names of the Senator from Illinois [Mr. DIXON], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Nebraska [Mr. EXON], the Senator from Virginia [Mr. ROBB], the Senator from Texas [Mr. GRAMM], the Senator from Indiana [Mr. LUGAR], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 266, a joint resolution designating the week of April 26–May 2, 1992, as "National Crime Victims' Rights Week."

SENATE JOINT RESOLUTION 268

At the request of Mr. GARN, the names of the Senator from Kentucky [Mr. FORD], the Senator from Georgia [Mr. NUNN], the Senator from North Carolina [Mr. SANFORD], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Alaska [Mr. STEVENS], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 268, a joint resolution designating May 1992, as "Neurofibromatosis Awareness Month."

SENATE JOINT RESOLUTION 274

At the request of Mr. DODD, the names of the Senator from Virginia [Mr. ROBB], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 274, a joint resolution to designate April 9, 1992, as "Child Care Worthy Wage Day."

SENATE JOINT RESOLUTION 277

At the request of Mr. D'AMATO, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Joint Resolution 277, a joint resolution to designate May 13, 1992, as "Irish Brigade Day."

SENATE JOINT RESOLUTION 289

At the request of Mr. D'AMATO, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of Senate Joint Resolution 289, a joint resolution designating the period beginning April 9, 1992, and ending May 6, 1992, as "Bataan-Corregidor Month."

SENATE JOINT RESOLUTION 293

At the request of Mr. SASSER, the names of the Senator from Nebraska [Mr. EXON], the Senator from Georgia [Mr. NUNN], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Minnesota [Mr. WELLSTONE], the Senator from West Virginia [Mr. BYRD],

the Senator from South Dakota [Mr. DASCHLE], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 293, a joint resolution designating the week beginning November 1, 1992, as "National Medical Staff Services Awareness Week."

SENATE CONCURRENT RESOLUTION 107

At the request of Mr. HELMS, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of Senate Concurrent Resolution 107, a concurrent resolution condemning the involvement of the military regime in Burma, also known as the Union of Myanmar, in the ongoing, horrifying abuses of human rights, the trafficking of illicit drugs, and the mass buildup of military arms for domestic repression.

SENATE RESOLUTION 270

At the request of Mr. DECONCINI, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Resolution 270, a resolution concerning the conflict of Nagorno-Karabakh in the territory of Azerbaijan.

SENATE RESOLUTION 289

At the request of Mr. D'AMATO, the names of the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of Senate Resolution 289, a resolution honoring the "Righteous Gentiles" of the Holocaust during WWII.

SENATE RESOLUTION 290

At the request of Mr. RIEGLE, his name was added as a cosponsor of Senate Resolution 290, a resolution regarding the aggression against Bosnia-Hercegovina and conditioning United States recognition of Serbia.

SENATE RESOLUTION 292—AUTHORIZING LUMP-SUM PAYMENTS FOR LEAVE ACCRUED BY CERTAIN MEMBERS OF THE CAPITOL POLICE

Mr. FORD (for himself, Mr. STEVENS, Mr. REID, and Mr. GORTON) submitted the following resolution; which was considered and agreed to:

S. RES. 292

Resolved, That (a) a member or employee of the Capitol Police whose pay is disbursed by the Secretary of the Senate and who is separated from service with the Capitol Police is entitled to receive a lump-sum payment for the accumulated and current accrued annual leave to which he is entitled, based solely on his service as a member or employee of the Capitol Police.

(b) The lump-sum payment is considered to be pay for taxation purposes only. The payment shall be made by the Secretary of the Senate when certification is made by the Sergeant at Arms of the Senate to the Financial Clerk of the Senate. The certification shall state the total of the accumulated and current accrued annual leave to the credit of the member or employee of the Capitol Police, and shall be made after such member's or employee's separation from service.

(c) The lump-sum payment shall be paid at the hourly rate of compensation to which the member or employee is entitled, multiplied by the number of hours certified in subsection (b). The hourly rate of compensation of such member or employee shall be determined by dividing the employee's annual rate of compensation by 2,080. The annual rate of compensation is that rate to which the member or employee is entitled, at the time of separation, based on the applicable Capitol Police step and position level.

(d) Lump-sum payments paid to members or employees of the Capitol Police under this section shall be paid by the Secretary of the Senate from funds appropriated to the Sergeant at Arms and Doorkeeper of the Senate in a legislative appropriation Act under the heading "Capitol Police Board" and the subheadings "Capitol Police" and "Salaries" for the fiscal year in which the member or employee separates. For purposes of appropriation Acts, payments under this section shall be made available from such funds as though such payments were salaries for a Capitol Police member or employee.

(e) The provisions of this section shall not be construed to authorize the transfer of leave between the Capitol Police and any other agency of the Federal Government.

(f) The provisions of this section shall cease to be effective and shall not apply to any separation from service occurring on or after 2 years after the date of enactment of this section.

SENATE RESOLUTION 291—RELATING TO JAPAN'S PARTICIPATION IN UNITED NATIONS' PEACEKEEPING OPERATIONS

Mr. ROTH submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 291

Whereas Japan's economic success has made it the world's second largest economy, endowing it with global economic influence,

Whereas such economic influence carries with it global responsibilities which require commitments of both financial resources and personnel,

Whereas the United Nations has launched nearly as many peacekeeping operations in the last four years as in the previous forty,

Whereas these operations lack money and specialists such as engineers, medics, and electricians,

Whereas Japan could alleviate personnel shortages by sending civilians and members of its Self-Defense Forces to participate in United Nations peacekeeping operations: Now, therefore, be it

Resolved, by the Senate that—

(1) Japan's participation in United Nations peacekeeping operations through not only financial support, but also through contributions of personnel, is in the interest of the United Nations and the countries that make up that body and should be encouraged; and

(2) The Senate of the United States should fully support the dispatch of Japanese personnel to United Nations peacekeeping operations.

Mr. ROTH. Mr. President, I rise today to submit a resolution encouraging Japan to contribute personnel to United Nations peacekeeping operations.

Over the years, Japan has achieved great success and realized enormous benefits from global institutional arrangements. The time has come for Japan—as the world's second largest economy, with influence and interests that stretch around the world—to assume greater global responsibilities, including responsibilities for helping maintain the peace.

With the end of the cold war has come a rash of ethnic and regional conflict. To quell the violence, the United Nations has authorized nearly as many peacekeeping operations in the past 4 years as in the previous 40. While Japan has been a willing financial contributor to these operations, Tokyo has been unable—for political and historical reasons, as well as reasons having to do with constitutional interpretation—to permit members of its self-defense forces to serve in such operations.

But in answer to the international criticism of Tokyo resulting from the country's slow—and to some observers, inadequate—response to the gulf war, Japan embarked on a great debate over its role in the world. A key part of that debate has centered around a bill currently before the Diet on Japan's participation in U.N. peacekeeping operations.

The resolution I am introducing today is not intended as an endorsement of that legislation. Rather, it is meant to demonstrate that Members of the Senate, and the American people they represent, believe it is in the interest of the United Nations and its member states, for Japan to participate in U.N. peacekeeping operations not only through financial support, but also through contributions of personnel. Japan must begin to do more than simply write checks in response to international crises; as a full and successful participant in the global economy, it is time for Japan to become a full participant in helping curb the tensions that threaten the peace.

In offering this resolution, I would like to make it clear that nothing in it should be construed as attenuating the Treaty of Mutual Cooperation and Security between the United States and Japan. That treaty has been the cornerstone of the American security presence in East Asia. It has provided the stability that has undergirded that region's phenomenal economic performance. It also remains critical for safeguarding American interests, and as such should be maintained.

I also want to reassure Japan's neighbors that I offer this resolution in full recognition of the concerns they may have over the dispatch of Japanese troops overseas. The terrible suffering that the peoples of those countries endured in the past will not be forgotten. But with Japan's increased economic status and the epochal changes in the global security situation, we must take a fresh look at the assumptions that have guided us in the

past. The assumption that Japan cannot be trusted in sending troops overseas to participate in U.N. peacekeeping operations, I believe, is a faulty one. It relegates Japan to a special status in the international community that is neither justified nor sustainable. As the world's largest creditor nation, with investments and trade relationships around the globe, Japan—just as any nation—can be expected to conduct its affairs with its own interests in mind.

And now, depending on how one assesses Russian expenditures, Japan has either the second or third largest defense budget in the world. I believe the international community will be far better served if some of those resources are channeled into multilateral peacekeeping arrangements. Indeed, Japan's participation in such arrangements will provide an opportunity for Tokyo to build stronger bridges of trust to its neighbors. It will also help the citizens of Japan better understand the stake their country has in global affairs and the responsibility the Japanese people have in participating more openly and fully in the international community.

The Japanese Constitution itself gives clear voice to the responsibilities of the citizens of Japan in these matters. Speaking for the Japanese people, it says:

> We desire to occupy an honored place in an international society, striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize that all people of the world have the right to live in peace, free from fear and want * * * we, the Japanese people, pledge our national honor to accomplish these high ideals and purposes with all our resources.

The time has come for Japan to fulfill this pledge by permitting its people to serve in U.N. peacekeeping operations.

AMENDMENTS SUBMITTED

RESCISSION OF CERTAIN BUDGET AUTHORITY

BYRD AMENDMENT NO. 1789

Mr. BYRD proposed an amendment to the reported amendment (in a nature of a substitute) to the bill (S. 2403) to rescind certain budget authority proposed to be rescinded in special messages transmitted to the Congress by the President on March 20, 1992, in accordance with title X of the Congressional Budget and Impoundment Control Act of 1974, as amended, as follows:

In lieu of the matter proposed to be inserted, insert:

That the following rescissions of budget authority are made, namely:

TITLE I

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

Of the funds available under this head, $9,200,000 are rescinded.

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–3, $38,800,000 are rescinded; of which $22,000,000 was made available for the grant to the Silver Valley Unified School District, Yermo, California; and $10,000,000 was made available for the grant to the Cumberland County School Board, Fayetteville, North Carolina; in addition, of the funds made available under this heading in Public Law 102–172, $139,989,000 are rescinded.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–4, $1,000,000 are rescinded for the Fenwick Pier Demonstration Project; in addition, of the funds made available under this heading in Public Law 102–172, $152,182,000 are rescinded, of which $400,000 is from funds for the renovation of the Vice President's residence.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, $156,650,000 are rescinded.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–7, $600,000 made available for two Post-Traumatic Stress Disorder Treatment Centers, one to be located in the State of Hawaii, and one to be located in Greensburg, Pennsylvania, for the purpose of treating military personnel, dependents, and other personnel in post-traumatic stress disorders is rescinded; in addition, of the funds made available under this heading in Public Law 102–172, $226,721,000 are rescinded, of which $5,400,000 is from support of White House communications.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–9, $50,000,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–11, $40,000,000 are rescinded from the AV–8B program; in addition, of the funds made available under this heading in Public Law 102–172, $103,000,000 are rescinded reducing funds allocated for the SH–2G program.

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds provided under this heading in subdivision "AOE combat support ship program" in Public Law 102–172, $500,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–14, $29,300,000 are rescinded; in addition, of the funds made available under this heading in Public Law 102–172, $41,000,000 are rescinded of which $29,000,000 is from firefighting equipment and $12,000,000 is from ship systems trainers.

PROCUREMENT, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–16, $42,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–18, $18,600,000 are rescinded from funds for the multipurpose individual munition and the High Mobility Multipurpose Wheeled Vehicle program; in addition, of the funds made available under this heading in Public Law 102–172, $28,000,000 are rescinded from funds to be used for Aircraft Propulsion and the classified program "Tractor Pull".

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–19, $14,000,000 are rescinded, of which $10,000,000 was made available for the Submarine Laser Communications project and $4,000,000 was allocated for the LAMPS MK III program; in addition, of the funds made available under this heading in Public Law 102–172, $6,100,000 are rescinded from funds for the Ship Towed Array program.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–20, $32,000,000 are rescinded for the Follow-on Tactical Reconnaissance program; in addition, of the funds made available under this heading in Public Law 102–172, $38,500,000 are rescinded from the F–15E and F–16 squadrons programs.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–21, $15,000,000 are rescinded from the Low-Frequency Active Technology program.

REVOLVING AND MANAGEMENT FUNDS

PENTAGON RESERVATION MAINTENANCE REVOLVING FUND

(RESCISSION)

Of the funds available under this heading, $60,000,000 are rescinded.

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 101–519, $5,000,000 are rescinded.

Of the funds made available under this heading in Public Law 102–136, R92–22, $9,050,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–23, $12,000,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 101-148, $3,320,000 are rescinded.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 100-447, $500,000 are rescinded. Of the funds made available under this heading in Public Law 101-519, $15,100,000 are rescinded.

Of the funds made available under this heading in Public Law 102-136, R92-25, $9,000,000 are rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 102-136, $68,200,000 are rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 102-136, R92-26, $2,772,000 are rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 102-136, R92-27, $306,000 are rescinded.

MILITARY CONSTRUCTION, NAVAL RESERVE

(RESCISSION)

Of the funds made available under this heading in Public Law 102-136, R92-29, $10,900,000 are rescinded.

DEPARTMENT OF EDUCATION

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 102-170, for Title IV of the Carl D. Perkins Vocational and Applied Technology Education Act, $2,000,000 for choice demonstrations are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH SERVICE

(RESCISSION)

Of the funds appropriated to carry out the Public Health Service Act, the Mental Health Systems Act, the Act of August 5, 1954 (Public Law 568, Eighty-third Congress), or the Act of August 16, 1957 (Public Law 85-151) and made available for evaluation pursuant to section 2711 of the Public Health Service Act but remaining unobligated on the date of enactment of this Act, $15,000,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 102-170, $8,000,000 are rescinded: Provided, That no more than $249,000,000 of such appropriation may be expended to meet unanticipated costs of agencies of organizations with which agreements have been made to participate in the administration of title XVIII of the Social Security Act.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts made available under this heading in Public Law 102-139, $50,000,000 for section 8 contract amendments are rescinded.

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 102-154, $4,937,000 are rescinded.

BUREAU OF MINES

MINES AND MINERALS

(RESCISSION)

Of the funds available under this heading in Public Law 102-154, $987,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds available under this head for the site development and construction of the United States Embassy building in Kuwait, $12,248,000 are rescinded.

DEPARTMENT OF TRANSPORTATION

URBAN MASS TRANSPORTATION ADMINISTRATION

RESEARCH, TRAINING AND HUMAN RESOURCES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-143, $9,880,000 are rescinded.

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 101-513, $32,500,000 are rescinded.

INTER-AMERICAN INVESTMENT CORPORATION

(RESCISSION)

Of the funds made available under this heading in Public Law 102-145, as amended, $4,000,000 are rescinded.

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 101-513, $100,000 are rescinded.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 102-145, as amended, $64,054 are rescinded.

INTERNATIONAL FUND FOR IRELAND

(RESCISSION)

Of the funds made available under this heading in Public Law 101-513 and prior Acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

MULTILATERAL ASSISTANCE INITIATIVE FOR THE PHILIPPINES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-145, as amended, $20,000,000 are rescinded.

DEVELOPMENT ASSISTANCE; ECONOMIC SUPPORT FUND

(RESCISSION)

Of the unexpended balances of funds (including earmarked funds) made available in Public Law 98-473, Public Law 99-88 and prior Acts making appropriations for foreign assistance and related programs to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, $30,000,000 are rescinded: Provided, That this rescission shall be made from funds deobligated but continued available by section 515 of Public Law 101-513, and the corresponding authority provided in Public Law 102-145, as amended.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 102-145, as amended, $1,925,000 are rescinded: Provided, That the amount of funds made available under this heading that may be obligated for entertainment allowances is decreased by $25,000.

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 102-145, as amended, $39,015,000 are rescinded: Provided, That the amount of funds made available under this heading that may be obligated for the general costs of administering military assistance and sales is decreased by $15,000.

DEOBLIGATION/REOBLIGATION AUTHORITY

Notwithstanding section 515(b) of Public Law 101-513, and the corresponding authority provided in Public Law 102-145 as amended, no Foreign Military Financing Program funds may be reobligated pursuant to such authority from the date of enactment of this Act through September 30, 1992.

SPECIAL DEFENSE ACQUISITION FUND

(LIMITATION ON OBLIGATIONS)

The limitation under this heading in Public Law 102-145, as amended, is decreased by $40,000,000.

MILITARY ASSISTANCE PROGRAM

(RESCISSION)

Of the unexpended balances of funds made available to carry out the provisions of chapter 2 of part II of the Foreign Assistance Act of 1961, $6,750,000 are rescinded.

Of the funds made available to carry out section 503(a)(3) of the Foreign Assistance Act of 1961 that have been disbursed into the Foreign Military Sales Trust Fund, $5,760,000 may not be disbursed for any purpose and shall be deposited into the miscellaneous receipts of the Treasury.

SENATE

CONTINGENT EXPENSES OF THE SENATE

OFFICIAL MAIL COSTS

(RESCISSION)

Of the total funds appropriated under the heading "OFFICIAL MAIL COSTS" under the heading "CONTINGENT EXPENSES OF THE SENATE" under the heading "SENATE" in any appropriations Act of joint resolution making appropriations available to the Senate for fiscal years 1991 and 1992 and which (but for the provisions of this paragraph) would remain available until expended, of the balances remaining unobligated, $20,000,000 are rescinded.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 101. In addition to amounts rescinded elsewhere in this Act, of the funds made available in Public Law 102-172, $105,900,000 are rescinded of which not less than $10,000,000 was made available as a grant to the Louisiana State University for the Neuroscience Center of Excellence; $10,000,000 was made available as a grant to Marywood College, Pennsylvania, for

laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense; $6,000,000 was made available for a grant to the University of Texas at Austin; $6,000,000 was made available for a grant to the Northeastern University; $5,000,000 was made available for a grant to the Texas Regional Institute for Environmental Studies; $7,700,000 was made available as a grant to the Kansas State University; $1,600,000 was made available for a grant to the University of Wisconsin; $29,000,000 was made available for a grant to the Boston University; $250,000 was made available for a grant to the Medical College of Ohio; $500,000 was made available for a grant to the University of South Carolina; $750,000 was made available for a grant to George Mason University; $2,300,000 was made available as a grant to the Monmouth College; $10,000,000 was made available as a grant to the University of Minnesota; $500,000 was made available as a grant to the University of Saint Thomas in Saint Paul, Minnesota; $2,000,000 was made available as a grant to the Brandeis University; $3,000,000 was made available as a grant to the New Mexico State University; and under the heading "Research and Development, Test and Evaluation, Defense Agencies" $1,300,000 was for the Oregon Graduate Institute and $10,000,000 was for the Institute for Advanced Science and Technology.

SEC. 102. In addition to amounts rescinded elsewhere in this Act, of the funds made available in Public Law 102-172, $11,350,000 are rescinded of which $4,000,000 was made available for a grant to the Airborne and Special Operations Museum Foundation; $4,000,000 was made available for the National D-Day Museum Foundation; $1,600,000 was made available for the Museum of Science and Industry; and, under the heading "Operations and Maintenance, Navy" $1,750,000 was available for the Naval Undersea Museum as provided for in section 8115 of Public Law 102-172: Provided, That none of the funds available to the Department of Defense shall be obligated to subsidize, provide assistance-in-kind, or otherwise offset the costs of any military museum.

SEC. 103. Funds available to the Department of Defense which were proposed for rescission by the President for programs listed in the justifications of the rescission message of March 10, 1992, and which are not specifically rescinded by this Act, shall be made available for obligation for the same programs, projects and activities as listed in the message of March 10, 1992.

TITLE II

DEPARTMENT OF AGRICULTURE

OFFICE OF PUBLIC AFFAIRS

(RESCISSION)

Of the funds made available under this heading in Public Law 192-142, $62,000 for travel are rescinded.

NATIONAL AGRICULTURAL STATISTICS SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 192-142, $2,000,000 for the pesticide data program are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

BUILDINGS AND FACILITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102-142, R92-38, $500,000 for facilities completion in North Dakota are rescinded.

SPECIAL RESEARCH GRANTS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102-142, R92-44, $750,000 for Appalachian hardwoods in West Virginia are rescinded.

Of the funds made available under this heading in Public Law 102-142, R92-49, $49,000 for integrated orchard management in Vermont are rescinded.

Of the funds made available under this heading in Public Law 102-142, R92-52, $120,000 for animal waste disposal in Michigan are rescinded.

Of the funds made available under this heading in Public Law 102-142, R92-53, $134,000 for a mechanical tomato harvester in Pennsylvania are rescinded.

Of the funds made available under this heading in Public Law 102-142, R92-56, $200,000 for oil from jojoba in New Mexico are rescinded.

Of the funds made available under this heading in Public Law 102-142, R92-58, $50,000 for seedless table grapes in Arkansas are rescinded.

Of the funds made available under this heading in Public Law 102-142, R92-60, $140,000 for swine research in Minnesota are rescinded.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-142, $3,000,000 for the pesticide data program are rescinded.

FARMERS HOME ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-142, $6,031,000 for travel are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF DENTAL RESEARCH

(RESCISSION)

From amounts previously appropriated, $366,000 are hereby rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts made available under this heading in Public Law 102-139, $693,000,000 for section 8 contract amendments are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 102-154, R92-88, $5,897,000 are rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 102-154, $19,000,000 are rescinded.

DEPARTMENT OF THE ARMY

ARMY CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

(RESCISSION)

Of the funds made available under this heading in title I of Public Law 102-104, R92-91, $3,000,000 are rescinded: Provided, That the language of title I of Public Law 102-104 directing the Secretary of the Army, acting through the Chief of Engineers, to undertake in fiscal year 1992, the Red River Basin Chloride Control, Texas and Oklahoma, $3,000,000 is repealed.

OPERATION AND MAINTENANCE, GENERAL

(RESCISSION)

Of the funds made available under this heading in title I of Public Law 102-104, R92-92, $1,350,000 are rescinded: Provided, That the language of title I of Public Law 102-104 directing the Secretary of the Army, acting through the Chief of Engineers, with $1,500,000 to alleviate bank erosion and related problems associated with reservoir releases along the Missouri River below Fort Peck Dam is repealed.

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102-139, for contracts, $20,000,000 are rescinded.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of the funds made available under this heading in Public Law 102-139, for the alternative remedial contracting system, $20,000,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 102-139, $1,500,000 for space exploration studies are rescinded.

Of the amounts made available under this heading in Public Law 102-139, $2,500,000 for the National Aerospace Plane are rescinded.

Of the amounts made available under this heading in Public Law 102-139, $10,000,000 for Climsat earth probe are rescinded.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

(RESCISSION)

Unobligated balances for the following research grants are rescinded upon enactment: "Middle Class Lawyers: The transformation of small firm practice"; "Monogamy and aggression"; "Holism in psychobiology in the twentieth century"; "Affective bases of person perception"; "The representation of attitudes"; "Economic opportunity in urban America 1850-1870"; "A historic study of Japan's famous slogan "Rich Nation, Strong Army" and its impact on Japanese Technology"; "Status attainment in Chinese urban areas"; "Firm age and wages"; "American perceptions of justice": "An east-west collaborative study"; "Herd behavior: Microfoundations and evidence from decision making by firms and about the global environment"; "Analysis of mental computation performance and estimation strategy-use among Japanese students and curricular of these topics in Japanese schools"; "The timing of control and stock externalities in the presence of learning with application of global warming"; "Conflict paradigms and the instance theory of automization"; "Exemplar-based processing in social judgment"; "A history of applied science in France, 1801-1941"; "Emerging coalitions in the Soviet All-Union and Republican Legislature"; "Compensation system design, employment and firm performance: An analysis of French microdata and a comparison to the U.S.A."; "The structures and processes of building provisions: A case study of master-planned communities"; "The transformation of the large law firm in England: A comparative analysis"; "The evolution of optimizing behavior and of attitudes towards risk"; "Applying space technology to global change: values, institutions and decisions"; "Traditional and nontraditional forms of popular religion in Sicily"; "Auctions with entry/exit decisions"; "Maintenance of a polymorphism in mating behavior in swordfish"; "The systematic study of senate elections"; "The late prehistoric political economy of the Upper Mantaro Valley in Peru"; "Sexual mimicry of swallowtail butterflies"; "Song production in freely behaving birds";

"American legal realism, empirical social science and the Law professor's professional identity"; "Norms, self-interest and taxpayers decisions: adaption to 1986 tax reform".

The National Science Foundation shall report to the Committees on Appropriations by May 22, 1992 on the amount of unobligated balances committed for these grants.

DEPARTMENT OF DEFENSE—MILITARY

PROCUREMENT

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds provided under this heading in the subdivision "SSN-21 attack submarine program" in Public Law 102-172, and proposed for rescission in R92-101, $375,500,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, and proposed for rescission in R92-102, $189,400,000 are rescinded.

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $1,000,000,000 are rescinded from funds for the B-2 bomber.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $131,000,000 are rescinded from the National Aerospace Plane.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $1,300,000,000 are rescinded from the Strategic Defense Initiative.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading for the Office of the Federal Inspector for the Alaska Natural Gas Transportation System in Public Law 102-154, R92-34, $144,590 are rescinded.

TITLE IV

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $11,300,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $16,700,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $33,300,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $33,000,000 are rescinded from classified programs.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102-172, and proposed for rescission in R92-105, $46,300,000 are rescinded; and of the funds provided under this heading in Public Law 101-511, $150,000,000 are rescinded.

Of the funds provided under this heading in Public Law 101-161, $10,700,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, and proposed for rescission in R92-107, $15,000,000 are rescinded.

WEAPONS PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in the subdivision "Other Missile Programs" in Public Law 101-511, and proposed for rescission in R92-111, $60,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102-172, $2,500,000 are rescinded from classified programs.

Of the funds provided under this heading in Public Law 101-511, $37,000,000 are rescinded, of which $22,000,000 is from Point Defense Support Equipment and $15,000,000 is from the Productivity Investment Fund program.

PROCUREMENT, MARINE CORPS

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $55,000,000 are rescinded of which $25,000,000 is from Tactical Intelligence Enhancements and $30,000,000 is from Night Vision Equipment.

MISSILE PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102-172, $416,300,000 are rescinded, of which $344,000,000 is from the Advanced Cruise Missile program and $72,300,000 is from the MX missile program.

Of the funds provided under this heading in Public Law 101-511, $112,200,000 are rescinded from the MX missile program.

OTHER PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102-172, $118,200,000 are rescinded, of which $105,100,000 is from classified programs and $13,100,000 is from the Base Support program.

Of the funds provided under this heading in Public Law 101-511, $20,000,000 are rescinded from the Base Support program.

Of the funds provided under this heading in Public Law 101-165, $30,000,000 are rescinded from the Electronic Drug interdiction program.

PROCUREMENT, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $10,700,000 are rescinded from classified programs.

NATIONAL GUARD AND RESERVE EQUIPMENT

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, and proposed for rescission in R92-120, $45,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $196,200,000 are rescinded, of which $49,400,000 is from the antisatellite weapon (ASAT) program, $51,000,000 is from the Forward Area Air Defense system, $70,000,000 is from the classified program "Tractor Helm", and $19,800,000 is from the Electronic Warfare Development program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $30,400,000 are rescinded, of which $1,400,000 is from the Antiair/antisurface warfare technology program, $1,400,000 is from the Command, control, communications advanced technology program, $5,000,000 is from the Bomb Fuze Improvement program, $4,900,000 is from the Target Systems Development program, $5,000,000 is from the Industrial Preparedness program, and $3,700,000 is from classified programs.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102-172, and proposed for rescission in R92-127, $300,000,000 are rescinded; in addition, of the funds provided under this heading in Public Law 102-172, $364,800,000 are rescinded, of which $5,800,000 is from Defense Research Sciences, $69,600,000 is from Advanced Technology Development programs, $21,100,000 is from the NCMC-TW/AA systems program, $22,000,000 is from the Night/Precision Attack program, $38,400,000 is from the Tactical Improvement Program, $47,500,000 is from the Advanced Launch System/National Launch System, and $149,400,000 is from classified programs.

Of the funds provided under this heading in Public Law 101-511, $62,000,000 are rescinded from the Follow-on Early Warning System program.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102-172, $45,700,000 are rescinded, of which $4,000,000 is from Manufacturing Technology, and $30,700,000 is from classified programs.

GENERAL PROVISIONS

SEC. 401. Funds available to the Department of Defense which were proposed for rescission by the President for programs, projects, or activities listed in the justification accompanying the rescission messages dated April 9, 1992, and which are not specifically rescinded by this Act in response to the President's request shall be made available for obligation for the same programs, projects and activities as described in the messages of April 9, 1992.

SEC. 402. The Classified Annex accompanying S. 2570 of the One Hundred Second Congress is hereby incorporated into this Act: Provided, That the amounts specified in the Classified Annex are not in addition to amounts rescinded by other provisions of this Act: Provided further, That the President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the Classified Annex, within the executive branch of the Government.

BYRD AMENDMENT NO. 1790

Mr. BYRD proposed an amendment to amendment No. 1789 proposed by him to the reported amendment (in the nature of a substitute) to the bill S. 2403, supra, as follows:

In lieu of the matter proposed to be inserted, insert:

That the following rescissions of budget authority are made, namely:

TITLE I

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

Of the funds available under this head, $9,200,000 are rescinded.

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–3, $38,800,000 are rescinded; of which $22,000,000 was made available for the grant to the Silver Valley Unified School District, Yermo, California; and $10,000,000 was made available for the grant to the Cumberland County School Board, Fayetteville, North Carolina; in addition, of the funds made available under this heading in Public Law 102–172, $139,989,000 are rescinded.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–4, $1,000,000 are rescinded for the Fenwick Pier Demonstration Project; in addition, of the funds made available under this heading in Public Law 102–172, $152,182,000 are rescinded, of which $400,000 is from funds for the renovation of the Vice President's residence.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, $156,650,000 are rescinded.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–7, $600,000 made available for two Post-Traumatic Stress Disorder Treatment Centers, one to be located in the State of Hawaii, and one to be located in Greensburg, Pennsylvania, for the purpose of treating military personnel, dependents, and other personnel in post-traumatic stress disorders is rescinded; in addition, of the funds made available under this heading in Public Law 102–172, $226,721,000 are rescinded, of which $5,400,000 is from support of White House communications.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–9, $50,000,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–11, $40,000,000 are rescinded from the AV–8B program; in addition, of the funds made available under this heading in Public Law 102–172, $103,000,000 are rescinded reducing funds allocated for the SH–2G program.

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds provided under this heading in subdivision "AOE combat support ship program" in Public Law 102–172, $500,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–14, $29,300,000 are rescinded; in addition, of the funds made available under this heading in Public Law 102–172, $41,000,000 are rescinded of which $29,000,000 is from firefighting equipment and $12,000,000 is from ship systems trainers.

PROCUREMENT, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–16, $42,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–18, $18,600,000 are rescinded from funds for the multipurpose individual munition and the High Mobility Multipurpose Wheeled Vehicle program; in addition, of the funds made available under this heading in Public Law 102–172, $28,000,000 are rescinded from funds to be used for Aircraft Propulsion and the classified program "Tractor Pull".

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–19, $14,000,000 are rescinded, of which $10,000,000 was made available for the Submarine Laser Communications project and $4,000,000 was allocated for the LAMPS MK III program; in addition, of the funds made available under this heading in Public Law 102–172, $6,100,000 are rescinded from funds for the Ship Towed Array program.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–20, $32,000,000 are rescinded for the Follow-on Tactical Reconnaissance program; in addition, of the funds made available under this heading in Public Law 102–172, $38,500,000 are rescinded from the F–15E and F–16 squadrons programs.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, and proposed for rescission in R92–21, $15,000,000 are rescinded from the Low-low Frequency Active Technology program.

REVOLVING AND MANAGEMENT FUNDS

PENTAGON RESERVATION MAINTENANCE REVOLVING FUND

(RESCISSION)

Of the funds available under this heading, $60,000,000 are rescinded.

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 101–519, $5,000,000 are rescinded.

Of the funds made available under this heading in Public Law 102–136, R92–22, $9,050,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–23, $12,000,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 101–148, $3,320,000 are rescinded.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 100–447, $500,000 are rescinded. Of the funds made available under this heading in Public Law 101–519, $15,100,000 are rescinded.

Of the funds made available under this heading in Public Law 102–136, R92–25, $9,000,000 are rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, $68,200,000 are rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–26, $2,772,000 are rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–27, $306,000 are rescinded.

MILITARY CONSTRUCTION, NAVAL RESERVE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–136, R92–29, $10,900,000 are rescinded.

DEPARTMENT OF EDUCATION

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 102–170, for Title IV of the Carl D. Perkins Vocational and Applied Technology Education Act, $2,000,000 for choice demonstrations are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH SERVICE

(RESCISSION)

Of the funds appropriated to carry out the Public Health Service Act, the Mental Health Systems Act, the Act of August 5, 1954 (Public Law 568, Eighty-third Congress), or the Act of August 16, 1957 (Public Law 85–151) and made available for evaluation pursuant to section 2711 of the Public Health Service Act but remaining unobligated on the date of enactment of this Act, $15,000,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 102–170, $8,000,000 are rescinded: Provided, That no more than $249,000,000 of such appropriation may be expended to meet unanticipated costs of agencies of organizations with which agreements have been made to participate in the administration of title XVIII of the Social Security Act.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–139, $50,000,000 for section 8 contract amendments are rescinded.

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 102-154, $4,937,000 are rescinded.

BUREAU OF MINES

MINES AND MINERALS

(RESCISSION)

Of the funds available under this heading in Public Law 102-154, $987,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds available under this head for the site development and construction of the United States Embassy building in Kuwait, $12,248,000 are rescinded.

DEPARTMENT OF TRANSPORTATION

URBAN MASS TRANSPORTATION ADMINISTRATION

RESEARCH, TRAINING AND HUMAN RESOURCES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-143, $9,880,000 are rescinded.

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 101-513, $32,500,000 are rescinded.

INTER-AMERICAN INVESTMENT CORPORATION

(RESCISSION)

Of the funds made available under this heading in Public Law 102-145, as amended, $4,000,000 are rescinded.

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 101-513, $100,000 are rescinded.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 102-145, as amended, $64,054 are rescinded.

INTERNATIONAL FUND FOR IRELAND

(RESCISSION)

Of the funds made available under this heading in Public Law 101-513 and prior Acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

MULTILATERAL ASSISTANCE INITIATIVE FOR THE PHILIPPINES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-145, as amended, $20,000,000 are rescinded.

DEVELOPMENT ASSISTANCE; ECONOMIC SUPPORT FUND

(RESCISSION)

Of the unexpended balances of funds (including earmarked funds) made available in Public Law 98-473, Public Law 99-88 and prior Acts making appropriations for foreign assistance and related programs to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, $30,000,000 are rescinded: Provided, That this rescission shall be made from funds deobligated but continued available by section 515 of Public Law 101-513, and the corresponding authority provided in Public Law 102-145, as amended.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 102-145, as amended, $1,925,000 are rescinded: Provided, That the amount of funds made available under this heading that may be obligated for entertainment allowances is decreased by $25,000.

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 102-145, as amended, $39,015,000 are rescinded: Provided, That the amount of funds made available under this heading that may be obligated for the general costs of administering military assistance and sales is decreased by $15,000.

DEOBLIGATION/REOBLIGATION AUTHORITY

Notwithstanding section 515(b) of Public Law 101-513, and the corresponding authority provided in Public Law 102-145 as amended, no Foreign Military Financing Program funds may be reobligated pursuant to such authority from the date of enactment of this Act through September 30, 1992.

SPECIAL DEFENSE ACQUISITION FUND

(LIMITATION ON OBLIGATIONS)

The limitation under this heading in Public Law 102-145, as amended, is decreased by $40,000,000.

MILITARY ASSISTANCE PROGRAM

(RESCISSION)

Of the unexpended balances of funds made available to carry out the provisions of chapter 2 of part II of the Foreign Assistance Act of 1961, $6,750,000 are rescinded.

Of the funds made available to carry out section 503(a)(3) of the Foreign Assistance Act of 1961 that have been disbursed into the Foreign Military Sales Trust Fund, $5,760,000 may not be disbursed for any purpose and shall be deposited into the miscellaneous receipts of the Treasury.

SENATE

CONTINGENT EXPENSES OF THE SENATE

OFFICIAL MAIL COSTS

(RESCISSION)

Of the total funds appropriated under the heading "OFFICIAL MAIL COSTS" under the heading "CONTINGENT EXPENSES OF THE SENATE" under the heading "SENATE" in any appropriations Act of joint resolution making appropriations available to the Senate for fiscal years 1991 and 1992 and which (but for the provisions of this paragraph) would remain available until expended, of the balances remaining unobligated, $20,000,000 are rescinded.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 101. In addition to amounts rescinded elsewhere in this Act, of the funds made available in Public Law 102-172, $105,900,000 are rescinded of which not less than $10,000,000 was made available as a grant to the Louisiana State University for the Neuroscience Center of Excellence; $10,000,000 was made available as a grant to Marywood College, Pennsylvania, for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense; $6,000,000 was made available for a grant to the University of Texas at Austin; $6,000,000 was made available for a grant to the Northeastern University; $5,000,000 was made available for a grant to the Texas Regional Institute for Environmental Studies; $7,700,000 was made available as a grant to the Kansas State University; $1,600,000 was made available for a grant to the University of Wisconsin; $29,000,000 was made available for a grant to the Boston University; $250,000 was made available for a grant to the Medical College of Ohio; $500,000 was made available for a grant to the University of South Carolina; $750,000 was made available for a grant to George Mason University; $2,300,000 was made available as a grant to the Monmouth College; $10,000,000 was made available as a grant to the University of Minnesota; $500,000 was made available as a grant to the University of Saint Thomas in Saint Paul, Minnesota; $2,000,000 was made available as a grant to the Brandeis University; $3,000,000 was made available as a grant to the New Mexico State University; and under the heading "Research and Development, Test and Evaluation, Defense Agencies" $1,300,000 was for the Oregon Graduate Institute and $10,000,000 was for the Institute for Advanced Science and Technology.

SEC. 102. In addition to amounts rescinded elsewhere in this Act, of the funds made available in Public Law 102-172, $11,350,000 are rescinded of which $4,000,000 was made available for a grant to the Airborne and Special Operations Museum Foundation; $4,000,000 was made available for the National D-Day Museum Foundation; $1,600,000 was made available for the Museum of Science and Industry; and, under the heading "Operations and Maintenance, Navy" $1,750,000 was available for the Naval Undersea Museum as provided for in section 8115 of Public Law 102-172: Provided, That none of the funds available to the Department of Defense shall be obligated to subsidize, provide assistance-in-kind, or otherwise offset the costs of any military museum.

SEC. 103. Funds available to the Department of Defense which were proposed for rescission by the President for programs listed in the justifications of the rescission message of March 10, 1992, and which are not specifically rescinded by this Act, shall be made available for obligation for the same programs, projects and activities as listed in the message of March 10, 1992.

TITLE II

DEPARTMENT OF AGRICULTURE

OFFICE OF PUBLIC AFFAIRS

(RESCISSION)

Of the funds made available under this heading in Public Law 192-142, $62,000 for travel are rescinded.

NATIONAL AGRICULTURAL STATISTICS SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 192-142, $2,000,000 for the pesticide data program are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

BUILDINGS AND FACILITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102-142, R92-38, $500,000 for facilities completion in North Dakota are rescinded.

SPECIAL RESEARCH GRANTS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102-142, R92-44, $750,000 for Appalachian hardwoods in West Virginia are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–49, $49,000 for integrated orchard management in Vermont are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–52, $120,000 for animal waste disposal in Michigan are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–53, $134,000 for a mechanical tomato harvester in Pennsylvania are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–56, $200,000 for oil from jojoba in New Mexico are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–58, $50,000 for seedless table grapes in Arkansas are rescinded.

Of the funds made available under this heading in Public Law 102–142, R92–60, $140,000 for swine research in Minnesota are rescinded.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–142, $3,000,000 for the pesticide data program are rescinded.

FARMERS HOME ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–142, $6,031,000 for travel are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF DENTAL RESEARCH

(RESCISSION)

From amounts previously appropriated, $365,000 are hereby rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–139, $693,000,000 for section 8 contract amendments are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 102–154, R92–88, $5,897,000 are rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 102–154, $19,000,000 are rescinded.

DEPARTMENT OF THE ARMY

ARMY CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

(RESCISSION)

Of the funds made available under this heading in title I of Public Law 102–104, R92–91, $3,000,000 are rescinded: Provided, That the language of title I of Public Law 102–104 directing the Secretary of the Army, acting through the Chief of Engineers, to undertake in fiscal year 1992, the Red River Basin Chloride Control, Texas and Oklahoma, $3,000,000 is repealed.

OPERATION AND MAINTENANCE, GENERAL

(RESCISSION)

Of the funds made available under this heading in title I of Public Law 102–104, R92–92, $1,350,000 are rescinded: Provided, That the language of title I of Public Law 102–104 directing the Secretary of the Army, acting through the Chief of Engineers, with $1,500,000 to alleviate bank erosion and related problems associated with reservoir releases along the Missouri River below Fort Peck Dam is repealed.

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139, for contracts, $20,000,000 are rescinded.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139, for the alternative remedial contracting system, $20,000,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 102–139, $1,500,000 for space exploration studies are rescinded.

Of the amounts made available under this heading in Public Law 102–139, $2,500,000 for the National Aerospace Plane are rescinded.

Of the amounts made available under this heading in Public Law 102–139, $10,000,000 for Climsat earth probe are rescinded.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

(RESCISSION)

Unobligated balances for the following research grants are rescinded upon enactment: "Middle Class Lawyers: The transformation of small firm practice"; "Monogamy and aggression"; "Holism in Psychobiology in the Twentieth Century"; "Affective Bases of Person Perception"; "The representation of Attitudes"; "Economic opportunity in urban America 1850–1870"; "A historic study of Japan's famous slogan "Rich Nation, Strong Army" and its impact on Japanese Technology"; "Status attainment in Chinese urban areas"; "Firm age and wages"; "American perceptions of justice": "An east-west collaborative study"; "Herd behavior: Microfoundations and evidence from decision making by firms and about the global environment"; "Analysis of mental computation performance and estimation strategy-use among Japanese students and curricular of these topics in Japanese schools"; "The timing of control and stock externalities in the presence of learning with application of global warming"; "Conflict paradigms and the instance theory of automization"; "Exemplar-based processing in social judgment"; "A history of applied science in France, 1801–1941"; "Emerging coalitions in the Soviet All-Union and Republican Legislature"; "Compensation system design, employment and firm performance: An analysis of French microdata and a comparison to the U.S.A."; "The structures and processes of building provisions: A case study of master-planned communities"; "The transformation of the large law firm in England: A comparative analysis"; "The evolution of optimizing behavior and of attitudes towards risk"; "Applying space technology to global change: values, institutions and decisions"; "Traditional and nontraditional forms of popular religion in Sicily"; "Auctions with entry/exit decisions"; "Maintenance of a polymorphism in mating behavior in swordfish"; "The systematic study of senate elections"; "The late prehistoric political economy of the Upper Mantaro Valley in Peru"; "Sexual mimicry of swallowtail butterflies"; "Song production in freely behaving birds"; "American legal realism, empirical social science and the Law professor's professional identity"; "Norms, self-interest and taxpayers decisions: adaption to 1986 tax reform".

The National Science Foundation shall report to the Committees on Appropriations by May 22, 1992 on the amount of unobligated balances committed for these grants.

DEPARTMENT OF DEFENSE—MILITARY

PROCUREMENT

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds provided under this heading in the subdivision "SSN–21 attack submarine program" in Public Law 102–172, and proposed for rescission in R92–101, $375,500,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–102, $189,400,000 are rescinded.

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $1,000,000,000 are rescinded from funds for the B–2 bomber.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $131,000,000 are rescinded from the National Aerospace Plane.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $1,300,000,000 are rescinded from the Strategic Defense Initiative.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading for the Office of the Federal Inspector for the Alaska Natural Gas Transportation System in Public Law 102–154, R92–34, $144,590 are rescinded.

TITLE IV

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $11,300,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $16,700,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $33,300,000 are rescinded from classified programs.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $33,000,000 are rescinded from classified programs.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–105, $46,300,000 are rescinded; and of the funds provided under this heading in Public Law 101–511, $150,000,000 are rescinded.

Of the funds provided under this heading in Public Law 101–161, $10,700,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–107, $15,000,000 are rescinded.

WEAPONS PROCUREMENT, NAVY

(RESCISSION)

Of the funds provided under this heading in the subdivision "Other Missile Programs" in Public Law 101–511, and proposed for rescission in R92–111, $60,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, $2,500,000 are rescinded from classified programs.

Of the funds provided under this heading in Public Law 101–511, $37,000,000 are rescinded, of which $22,000,000 is from Point Defense Support Equipment and $15,000,000 is from the Productivity Investment Fund program.

PROCUREMENT, MARINE CORPS

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $55,000,000 are rescinded of which $25,000,000 is from Tactical Intelligence Enhancements and $30,000,000 is from Night Vision Equipment.

MISSILE PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, $416,300,000 are rescinded, of which $344,000,000 is from the Advanced Cruise Missile program and $72,300,000 is from the MX missile program.

Of the funds provided under this heading in Public Law 101–511, $112,200,000 are rescinded from the MX missile program.

OTHER PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, $118,200,000 are rescinded, of which $105,100,000 is from classified programs and $13,100,000 is from the Base Support program.

Of the funds provided under this heading in Public Law 101–511, $20,000,000 are rescinded from the Base Support program.

Of the funds provided under this heading in Public Law 101–165, $30,000,000 are rescinded from the Electronic Drug interdiction program.

PROCUREMENT, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $10,700,000 are rescinded from classified programs.

NATIONAL GUARD AND RESERVE EQUIPMENT

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–120, $45,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $196,200,000 are rescinded, of which $49,400,000 is from the antisatellite weapon (ASAT) program, $51,000,000 is from the Forward Area Air Defense system, $70,000,000 is from the classified program "Tractor Helm", and $19,800,000 is from the Electronic Warfare Development program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $30,400,000 are rescinded, of which $1,400,000 is from the Antiair/antisurface warfare technology program, $1,400,000 is from the Command, control, communications advanced technology program, $5,000,000 is from the Bomb Fuze Improvement program, $4,900,000 is from the Target Systems Development program, $5,000,000 is from the Industrial Preparedness program, and $3,700,000 is from classified programs.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

(RESCISSIONS)

Of the funds provided under this heading in Public Law 102–172, and proposed for rescission in R92–127, $300,000,000 are rescinded; in addition, of the funds provided under this heading in Public Law 102–172, $364,800,000 are rescinded, of which $5,800,000 is from Defense Research Sciences, $69,600,000 is from Advanced Technology Development programs, $21,100,000 is from the NCMC–TW/AA systems program, $22,000,000 is from the Night/Precision Attack program, $38,400,000 is from the Tactical Improvement Program, $47,500,000 is from the Advanced Launch System/National Launch System, and $149,400,000 is from classified programs.

Of the funds provided under this heading in Public Law 101–511, $62,000,000 are rescinded from the Follow-on Early Warning System program.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds provided under this heading in Public Law 102–172, $45,700,000 are rescinded, of which $4,000,000 is from Manufacturing Technology, and $30,700,000 is from classified programs.

GENERAL PROVISIONS

SEC. 401. Funds available to the Department of Defense which were proposed for rescission by the President for programs, projects, or activities listed in the justification accompanying the rescission messages dated April 9, 1992, and which are not specifically rescinded by this Act in response to the President's request shall be made available for obligation for the same programs, projects and activities as described in the messages of April 9, 1992.

SEC. 402. The Classified Annex accompanying S. 2570 of the One Hundred Second Congress is hereby incorporated into this Act: Provided, That the amounts specified in the Classified Annex are not in addition to amounts rescinded by other provisions of this Act: Provided further, That the President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the Classified Annex, within the executive branch of the Government.

McCAIN (AND ROTH) AMENDMENT NO. 1791

Mr. McCAIN (for himself and Mr. ROTH) proposed an amendment to the reported amendment (in the nature of a substitute) to the bill S. 2403, supra, as follows:

At the appropriate place insert the following:

DEPARTMENT OF DEFENSE—MILITARY

PROCUREMENT

SHIPBUILDING AND CONVERSION, NAVY

(RECESSION)

Of the funds provided under this heading in the subdivision "SSN–21 attack submarine program" in Public Law 101–511, $1,075,700,000 are rescinded, and of the funds provided under this heading in the subdivision "SSN–21 attack submarine program" in Public Law 102–172, $1,690,200,000 are rescinded.

BROWN (AND OTHERS) AMENDMENT NO. 1792

Mr. BROWN (for himself, Mr. KOHL, and Mr. SMITH) proposed an amendment to the bill S. 2403, supra, as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE THAT UNNECESSARY WASTEFUL SPENDING BE ELIMINATED

It is the sense of the Senate that—

(1) all programs and projects for which funds are appropriated should adhere to objective criteria throughout the appropriations process; and

(2) money should not be appropriated for programs and projects unless—

(A) the programs and projects are a topic of an appropriations hearing;

(B) the programs and projects are authorized before funds are appropriated;

(C) the programs and projects are not added on to appropriations bills in conference if they were not included in either the House or Senate-passed bill; and

BROWN (AND SMITH) AMENDMENT NO. 1793

Mr. BROWN (for himself and Mr. SMITH) proposed an amendment to the bill S. 2403, supra, as follows:

On page 29, line 12, strike "$20,000,000 are rescinded." and insert the following: "$21,000,000 are rescinded.

"ADDITIONAL PORKBUSTER PROVISIONS FROM THE PRESIDENT'S BILL

"The funds proposed for rescission in R92–43, R92–45, R92–46, R92–47, R92–48, R92–50, R92–51, R92–54, R92–55, R92–57, R92–59, R92–61, R92–67, R92–97, R92–66, R92–68, R92–69, R92–70, R92–71, R92–72, R92–73, R92–74, R92–75, R92–76, R92–77, R92–78, R92–79, R92–80, R92–81, R92–82, R92–83, R92–84, R92–85, R92–86, R92–87, R92–95, R92–96, R92–98, R92–99, R92–100, R92–89, and R92–90 are rescinded.".

NOTICE OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding an oversight hearing on Wednesday, May 6, 1992, beginning at 9:30 a.m., in 485 Russell Senate Office Building on the implementation of the Indian Gaming Regulatory Act.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my col-

leagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on issues pertaining to the refining sector of the petroleum industry.

The hearing will take place on Tuesday, May 19, 1992, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for inclusion in the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, attention: Don Sana.

For further information, please contact Don Sana of the committee staff at 202-224-4820.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON PROJECTION FORCES AND REGIONAL DEFENSE

Mr. KERRY. Mr. President, I ask unanimous consent that the Subcommittee on Projection Forces and Regional Defense of the Committee On Armed Services be authorized to meet on Tuesday, May 5, 1992, at 9:30 a.m., in open session to receive testimony on the near- and long-term outlook for the U.S. Marine Corps in review of the amended Defense authorization request for fiscal year 1993 and the future years, Defense plan.

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

SUBCOMMITTEE ON AVIATION

Mr. KERRY. Mr. President, I ask unanimous consent that the Subcommittee on Aviation of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 5, 1992, at 9:30 a.m., on the FAA reauthorization.

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

COMMITTEE ON SMALL BUSINESS

Mr. KERRY. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Tuesday, May 5, 1992, at 9:30 a.m. The committee will hold a full committee hearing to consider the President's nomination of Thomas Kerester to be Chief Counsel for Advocacy for the Small Business Administration.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. KERRY. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Tuesday, May 5, for a hearing on the subject: performance measurement: toward more effective government.

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

SUBCOMMITTEE ON THE CONSTITUTION

Mr. KERRY. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, May 5, 1992, at 2 p.m., to hold a hearing on Stop Arming Felons [SAFE] Act.

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

SUBCOMMITTEE ON ANTITRUST, MONOPOLIES AND BUSINESS RIGHTS

Mr. KERRY. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Monopolies and Business Rights, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, May 5, 1992, at 9:30 a.m. to hold a hearing on involuntary transfer of insurance policies.

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

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. KERRY. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 5, at 2 p.m. to conduct a hearing.

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

ADDITIONAL STATEMENTS

CINCO DE MAYO

• Mr. SIMON. Mr. President, today I would like to take a moment to honor one of our neighbors to the south, Mexico. Today is one of Mexico's most treasured holidays, Cinco de Mayo. On this day in 1862, Mexican forces successfully won the Battle of the Puebla. Their victory 130 years ago was a turning point in Mexican history. It was in this battle that Mexican forces overcame seemingly insurmountable obstacles to defeat the forces of Napoleon III.

In the last 10 years, Mexico has been a beacon of hope in Latin America. In 1982, Mexico was in serious financial trouble. After bold reforms by the Salinas government, Mexico has lowered inflation, is paying its external debt, has privatized most of its state-owned industries and is encouraging Mexicans, as well as foreigners, to invest in a country and a people. These financial reforms, as well as other governmental reforms, have given rise to an atmosphere of optimism in Mexico.

The United States has also been blessed with a large population of Mexican-Americans. In my home State of Illinois, Mexican-Americans have given our cities a rich diversity. Mexican-Americans have contributed to our heritage in literature, politics, art, religion, athletics, cuisine, and so many other aspects of American life. In addition, the Mexican sense of family has also been a model of all Americans.

As Mexicans in Mexico, the United States, and all over the world celebrate Cinco de Mayo, let us share in their joy and enthusiasm.•

IN RECOGNITION OF ENCINAL HIGH SCHOOL

• Mr. SEYMOUR. Mr. President, I rise today in recognition of Encinal High School and the faculty, staff, students, and parents upon achieving excellence in education.

Arthur Andersen and the Alameda School District have developed a partnership between business and education that begins at the grassroots level—involving parents, teachers, administrators, and business and community representatives. Their concept is called visioning and involves workshops and action committees that chart a course for the ideal student for the 21st century. Arthur Andersen and Co. serves as a resource and a catalyst for change in this cooperative agreement.

Encinal High School is quickly becoming a model for their concept. Encinal is a progressive school that is currently restructuring their educational curriculum. They have won several grants and are currently applying for grants that allow them to give their teachers and staff additional training and for innovative projects.

They support interactive teaching and participation from students and parents. Beginning next fall, they will be one of eight high schools in California that will be participating in an interactive mathematics program developed by U.C. Berkeley that requires all sophomores, juniors, and seniors to take algebra, geometry, and trigonometry, simultaneously. These classes are college preparatory as well as bringing to light that in real life these subjects are interactive and are used jointly so it makes more sense to teach them together.

Encinal has also implemented a support structure to assist students in becoming better students. Every student and their family is assigned a counselor, psychologist, and administrator, and teacher to help them in dealing with their studies and the school situation.

Mr. President, I ask my colleagues to join me in commending Encinal High School for achieving excellence in education and to offer our best wishes for continued success in their future endeavors.•

OPERATION EIC FILE

• Mr. KOHL. Mr. President, I would like to thank the volunteers of Oper-

ation EIC File and commend them for their hard work. These volunteers are helping low-income families in the Milwaukee area fill out their tax forms to make sure that working families receive the tax benefits they have earned. The earned income credit campaign is the joint effort of Congress for a Working America, the Greater Milwaukee Committee, the city of Milwaukee, and the Social Development Commission, in cooperation with the Internal Revenue Service.

The need for outreach to low-income working families increased this year with the new, more complicated EIC tax forms. Because of a law which made the EIC more complicated, the EIC tax forms threatened to discourage many families from filling out the complex forms. The volunteers of Operation EIC File stepped in to respond to that increased need.

By providing tax advice and assistance to working families, they have saved many families money—money that might otherwise have gone to high-cost, tax preparation firms, or check-cashing establishments—that will now be kept by the worker who earned it. I am grateful to the volunteers who made this project possible and who provided assistance to Wisconsin families. In this time of hardship, they should be especially proud of their work. I certainly am.

Mr. President, I would like to thank the following volunteers for their efforts and most importantly, I would like to thank them for caring:

Sara Ackley, Jodi Amend, Gita Amilinene, Laura Arnow, Dianne Baas, Eloisa Balderas, Jerry Baldwin, Rhoda Baumgarten, Kathy Bayer, Terri Behling, Michael Blau, Stacey Bodi, Allen Boyle, Jeane Brousseau, Pam Cleereman, Gershia Coggs, David Corwin, Curtis Craig, Scott Craine, David DaLey, Jeff Danihel, Barbara Ecklond, Sarah Evans, Debra Fenzl, Heidi Fleck, David Fohr.

Mark Gelhaus, Sean Goggin, Rachel Grenier, Lea Grunig, Kevin Hablewitz, Steven Heicher, David Hilker, Andy Holman, Steve Holt, Laura Horton, Cindy Hulen, Judy Isom, Christine Jensen, Greg Jeske, Kathleen Jokisch, Kevin Kalnins, Vernon Keszler, Gail King, Kelly, Kirtley, Andy Komisar, Dave Laske, Gary Lau, Lynn Ludke, Tom Maloney, Andy Mohrfeld, Jeffrey Paro.

Doug Patch, Jamie Payton, Cheryl Pfundtner, Christy Plautz, Kerry Quigley, Darci Rodas, Sean Rutter, John Sablan, Peter Schimmel, Craig Schmitter, Christopher Schrantz, Jennie Schwister, Peter Sledzik, Kurt Sowle, Sue Stanton, Toni Straughter, Jean Trompeter, Kurt Vaaler, Mike Verveer, Betty White, Roderick Wilson, Sun Yoon, Carl Zaar, Josh Zepnick.•

LUJAN ALTERNATIVE

• Mr. GORTON. Mr. President, I recently wrote people in Washington State asking them their opinion on Secretary of the Interior Manuel Lujan's decision to reduce spotted owl set asides in the Northwest in order to save jobs and protect families. The majority of those who responded felt that the Secretary was doing the right thing and that they support his efforts. I agree. We in Congress have done nothing for the past 3 years while workers, families, and communities have been threatened with devastation due to spotted owl set asides. Finally, someone has come forward and proposed a solution that takes into consideration the lives of people.

Make no mistake, even Secretary Lujan's alternative will be painful. It will still result in thousands of job losses. But when compared with the recovery plan as proposed by the Fish and Wildlife Service, Secretary Lujan's proposal will cut job losses in the Northwest in half. I think it's important that we support the Secretary's alternative and prevent any further attempts to lock up more land in the Northwest.•

WIESEL OFFERS INSIGHTS ON FANATICISM

• Mr. SIMON. Mr. President, in the Washington Post on April 19, 1992, there was an intriguing article by Nobel peace prize-winning humanitarian Elie Wiesel exploring the roots of growing fanatical hate movements.

I ask that this article, entitled "When Passion Is Dangerous" be printed in the RECORD.

The article follows:

WHEN PASSION IS DANGEROUS

(By Elie Wiesel)

(At a time when extremist groups and individuals are increasingly active both at home and abroad, we thought it would be useful to ask a famous victim—and survivor—of hatred and prejudice for his views on the nature and perils of fanaticism. Elie Wiesel, winner of the Nobel Prize in 1986 and currently Professor of Humanities at Boston University, is one of the world's foremost authorities on the subject, by reason both of his scholarly researches and his own personal experiences. A native of Transylvania, he was captured by the Nazis at the age of 15 and imprisoned in the Auschwitz and Buchenwald concentration camps, where nearly all of his family died.

(The author of some 30 books, including "Night" and "The Jews of Silence," Wiesel has spoken on behalf of Southeast Asian Refugees, South African blacks, The Miskito Indians of Nicaragua and other oppressed and persecuted groups. His newest book, a novel titled "The Forgotten," is being published this month by Summit Books. Elie Wiesel has been a U.S. citizen since 1963 and is a recipient of the Congressional Gold Medal.)

Fanaticism is all around us, and only we ourselves can stem it. That is because the hatred that underlies this ancient scourge is of human origin, and only human beings can trace its contours, measure its depth and realize its dangers before disarming it.

It flourishes today in lands near and far, and its victims are counted by the tens of thousands. Riots in Armenia and Azerbaijan, bloodshed in Yugoslavia, political convulsions in India, depredations against the Kurds in Iraq—all of these must be seen in the horrible context of a rising fanaticism.

Paradoxically, the current decade—the last of this century and this millennium—started rather well. A contagious current of liberty ran across much of the world, bringing glasnos and perestroika in the Soviet Union, the victory of Vaclav Havel in Czechoslovakia, the courageous student demonstration in China, the fall of the Berlin Wall, the growing strength of intellectual voices in Poland, Hungary, Bulgaria and Yugoslavia, the fall of dictatorships in Latin America.

Then came the disenchantment and the reversion to old patterns, reflected in the bloody repression in Beijing (which was accepted too fast by the so-called civilized world); the disturbing turnabouts in Soviet politics; the pardons of war criminals in Lithuania; the resurgence of anti-Semitism in Poland, Romania and Hungary; and the stirrings of racism in Germany, in France, in England and even in Scandinavia. What has become of the rising hope shared by so many? Was it, too, the victim of fanaticism on an international scale?

Forgive me if I expand a bit on the phenomenon of anti-Semitism—the oldest collective prejudice in history, one I've known since childhood. Anti-Semitic fanaticism has passed through various phases over the centuries. The religious anti-Judaism of the Middle Ages has given way to a political anti-Semitism aimed at the State of Israel—although those who mount the attack may claim to be "merely" anti-Zionist. This political anti-Semitism is followed in its turn by an historical anti-Semitism that seems to me the most vicious and injurious of all. For historical anti-Semitism assaults the memory Jews hold of their own past suffering, as in the Holocaust. Its practitioners almost seem to become envious of those sufferings, first crying out, "The Jews are not the only ones who have suffered"; then, "Others have suffered more than the Jews"; and finally, "Others have been made to suffer by the Jews." Thus we are advised to speak more softly, to de-Judaize Jewish experience. If these new anti-Semites succeed in imposing their will, a Jew will no longer be able to speak of the Jewish tragedy.

Let us return to the problem of fanaticism in general by considering the question of whether fanaticism is nothing but a conviction pushed to excess—whether there exists a precise point at which the one is allowed to overflow into the other.

I would say that an idea becomes fanatical the moment it minimizes or excludes all the ideas that confront or oppose it. In religion, it is dogmatism; in politics, totalitarianism. The fanatic deforms and pollutes reality. He never sees things and people as they are; his hatred makes him fabricate idols and images so ugly that he can become indignant about them. In his eyes, he, and only he, has the right to put his ideas into action, which he will do at the first opportunity.

One can encounter fanaticism in the framework of all monotheistic religions—Christian, Jewish, Moslem—and extremism in any form revolts me. I turn away from persons who declare that they know better than anyone else the only true road to God. If they try to force me to follow their road, I fight them. Whatever the fanatic's religion, I wish to be his adversary, his opponent.

Does that mean I want to debate with him? My experience is that the fanatic hides from

true debate. The concept of dialogue is alien to him. He is afraid of pluralism and diversity; he abhors learning. He knows how to speak in monologues only, so debate is superfluous to him.

Yes, the fanatic is passionate. But his passions can be dangerous. In religion, love is neither the problem nor the solution. The problem is exaggerated love, fanatical love, which turns religion into a personal battlefield that is dangerous to others and demeaning to the very faith it professes to cherish.

If religious fanaticism hides the face of God, so does political fanaticism destroy human liberty. In fact, there are some who, seeking to combat religious fanaticism, battle it with another kind of fanaticism that is equally evil. We cannot yield to fanaticism of any type. Fanaticism is a basic element of every dictatorship. In science, it serves death; in literature, it twists truth; in history, it tells lies; in art, it creates ugliness.

The fanatic never rests and never quits; the more he conquers, the more he seeks new conquests. For him to feel free, he must put everyone else into prison—if not physically, at least mentally. In doing so, he never realizes that he himself is in jail, as a guard if not as a prisoner. A fanatic has answers, not questions; certainties, not hesitations. In dictatorial regimes, doubts were considered crimes against the state. The philosopher Friedrich Nietzsche expressed it this way: Madness is the result not of uncertainty but certainty. Substitute the word fanaticism for madness, and the equation holds.

Now, on the threshold of the 21st century, it is our responsibility to combat the spreading cancer of fanaticism, which blocks the future of our children and ourselves. It must be constantly fought, because it leads to dehumanizing, degrading and contagious hatred. Nothing good, nothing worthy, nothing creative can be born of hatred. Hatred begets hatred. That is why we must keep it from our doors, send it away, repel it, disarm it—vanquish it before we even see the shadow of its shadow.

How can we do this? By celebrating, cherishing, defending the liberty of others—of all others. At stake is our cultural, ethical and moral future.

Let me conclude with a Midrashic story (of Rabbi Shimon bar Yokai), retold by the great Hasidic storyteller Rabbi Nahman of Bratslav:

A man is on a boat. He is not alone but acts as if he were. One night, he begins to cut a hole under his seat. His neighbors shriek: "Have you gone mad? Do you want to sink us all?" Calmly he answers them: "I don't understand what you want. What I'm doing is none of your business, I paid my way. I'm only cutting under my own seat."

What the fanatic will not accept, what you and I cannot forget, is that all of us are in the same boat.●

ENDANGERED SPECIES ACT

● Mr. PACKWOOD. Mr. President, the citizens of Oregon are concerned about the loss of jobs and economic devastation resulting from the Endangered Species Act. The idea behind the Endangered Species Act is a good one, but when it threatens to shut down entire communities, it has gone too far. Oregon's workers want Congress to amend the Endangered Species Act to take into account its effect on people, and I support them.

During my last visit to Oregon, I received a letter and a petition from workers at the Avison Lumber Co. in Molalla. It was signed by over 100 Oregonians from Salem, Portland, Estacada, Silverton, Molalla, and other towns where timber is a vital part of the economic base.

The letter reads:

DEAR SENATOR PACKWOOD: The Endangered Species Act is a prime example of a good idea gone bad.

The original intention, while admirable, has been lost. Efforts by extremists to overturn the multiple use concept has had a devastating effect.

Our families and our communities are suffering. Without proper management our natural resources will suffer as well. We must seek a balance in the environmental equation and remember that man is a part of nature, not separate from it. Our environment can profit from man's superior intellect.

Man is now able to travel to the moon and beyond. Shouldn't this vast amount of science and technology allow man to more effectively balance the needs of humans with the needs of all plants and animals?

The answer, of course, is "Yes!"

We, the undersigned, petition the Congress of the United States to amend the Endangered Species Act and put people back into the environmental equation.

Congress' primary responsibility is to people, not animals, and the Endangered Species Act should be amended to show that.●

FOREIGN OPERATIONS FUNDING

● Mr. INOUYE. Mr. President, last month, the Congress enacted House Joint Resolution 456 which will continue to provide funding for U.S. foreign aid programs for the remainder of fiscal year 1992. This resolution continues funding the foreign operations programs, with certain very limited exceptions, at the fiscal year 1991 rate or the level in H.R. 2621, the House passed foreign aid measure, whichever is lower.

Mr. President, there was, of course, no Senate report to accompany House Joint Resolution 456. However, if there had been one, I would have wanted it to contain language similar to that in Senate Report 101-519 which accompanied the last freestanding foreign aid appropriations bill, H.R. 5114, which was enacted for fiscal year 1991. In that report, the Senate Appropriations Committee expressed its approval of the financial support the Agency for International Development and other Government agencies gave to the U.S. Telecommunications Training Institute [USTTI].

Specifically, the report read as follows:

U.S. Telecommunications Training Institute.—The Committee notes with approval the financial support AID and other Government agencies have given to the U.S. Telecommunications Training Institute (USTTI) since it was established in 1982. The Committee recommends that $500,000 be provided to support worthy applicants from the least developed countries of the world so that they may participate in this program. The Committee believes that USTTI's programs benefit the United States in establishing relationships with foreign administrators; leads to business opportunities for U.S. companies abroad; and helps our Government in international negotiations.

Mr. President, I am pleased to report that USTTI continues to justify the confidence the committee expressed in that report.●

IN RECOGNITION OF GATEWAY HIGH SCHOOL

● Mr. SEYMOUR. Mr. President, I rise today in recognition of Gateway High School and the faculty, staff, student body, and parents upon achieving excellence in education.

Gateway High School began its existence in an old gymnasium. In 1973, plans were laid to build what was then known as a small necessary high school. Unlike other districts who continue to use abandoned buildings and unused classrooms, the Clovis Unified School District made a commitment to alternative education by financing the construction of a new facility expressly made for the kinds of programs needed by the continuation high school student.

What was needed was a small campus with modern, attractive, well-lighted classrooms complete with libraries, science rooms, business and computer rooms, a small shop, home economics laboratories, and adequate space for counseling and other support services. This facility has made the statement, "we care about you, too!" With the guidance of Dr. Floyd Buchanan, a new and unique facility was designed. The first phase of this project was completed in 1975 and for the next 13 years served as an outstanding example of what, with proper planning and support, a continuation high school could look like.

The growth of the Clovis School District made it apparent that the existing facility would not continue to service the needs of the growing student population. Once again, Dr. Buchanan took another positive step in providing needed services for alternative education. A plan was developed, a proposal was made and adopted by the school board to apply for additional facilities using State funding. The new project would almost double the size of the existing facility, provide much needed space for student activities, modernize rooms to make computer services available and, most of all, reiterate the concept of "we care about you, too!" Increased office space for better student services, a new and larger library, an activity center for students, improved athletic facilities and new classrooms capable of handling state of the art technology are all incorporated into the new facility.

At any one time at least 10 percent of the secondary school population of the

Clovis Unified School District is housed on the Gateway High School campus. This facility is concrete evidence of the commitment of the taxpayers, school board and administration of the Clovis unified schools to provide service to all of their students according to their needs.

Mr. President, I ask my colleagues to join me in commending Gateway High School for achieving excellence in education and to offer our best wishes for continued success in their future endeavors.●

THE IMPORTANCE OF PUBLIC TELEVISION

● Mr. WIRTH. Mr. President, our public broadcasting system is a national treasure and I support S. 1504, legislation to reauthorize Federal support for the system. Unfortunately, the Senate was unable to complete action on this legislation earlier this year. I hope we will return to this legislation very soon and encourage my colleagues to support public broadcasting when we do so.

Today, I would like to call Senators' attention to two articles that discuss the importance of public television to our Nation and culture. The first is an article written by Marshall Turner, the former chairman of the Corporation for Public Broadcasting, outlining the importance of public broadcasting as a national service that seeks to bring a diverse range of important educational and entertainment programming to a broad audience. The second article is a response to a recent George Will column critical of public television. That response appeared in the Washington Post last week and was written by Sharon Percy Rockefeller, a former member of the corporation's board.

I hope my colleagues will read both of these thoughtful articles before we take final action on S. 1504 and ask unanimous consent that they be printed in the RECORD. In addition, I would like to insert into the RECORD some remarks I had prepared earlier this year concerning S. 1504.

The material follows:

BIG BIRD: SOMEONE DIDN'T DO HIS HOMEWORK

(By Sharon Percy Rockefeller)

George Will's column "Who Would Kill Big Bird?" [op-ed, April 19] portrays public television as an example of the "welfare state gone awry"—a vehicle for entertaining the rich and powerful at the expense of the ordinary taxpayer. While it is refreshing to see Mr. Will in his guise of a populist, he has neglected to do his homework. His statements about public television are often distorted, often just plain wrong. Some examples:

Citing "The Civil War" to point out the "ample cable, broadcast and home video markets . . ." available to public television is like using Thomas Alva Edison as an example of why all inventors should make money. It is also 20/20 hindsight. Where were all those potential investors when a young, unknown filmmaker came to public television and proposed 11 hours of photographs buttressed by music and voice? They were salivating over "Roseanne." WETA—and public television—believed in "The Civil War" and Ken Burns, and supported him from the moment he began his research. Furthermore, we supported him not because his program looked good on a financial forecast but because we felt that what he had to say was important. Our yardstick was good programming, not profit.

A more apt question for Mr. Will to consider: Would private investors fund the hundreds of hours of extraordinary television on PBS that are *not* potential blockbusters but nonetheless inform, enrich, educate and delight viewers? Of course not.

Is WETA's audience "an advertiser's dream"? Perhaps, if we sold advertising; but we don't. We tried once: In the early 1980s, public television conducted an FCC and congressionally authorized 10-market advertising experiment. It confirmed that our programming could not generate enough advertising revenue to support the system, and concluded that continued government funding was essential.

The fact is that public television remains the only place a viewer can watch operas, ballets, symphonies or public affairs documentaries the way they were designed to be watched—without commercial interruption. Public television stations need public support precisely because their value lies in producing and broadcasting high-risk programs of quality that do not necessarily make money. Just ask the networks.

Mr. Will believes that because of cable television, the audiences once served by public television will be served by the expanding marketplace. He is wrong. More outlets do not necessarily mean more choices; an increase in quantity does not automatically result in more diversity or higher quality.

Radio offers an example. Dozens of stations dot the dial; yet they compete for audiences within a few formats: talk, news, rock and roll, country, some classical. There is nothing like National Public Radio's "All Things Considered" or "Morning Edition" anywhere in commercial radio. Why does Mr. Will assume that the television environment without PBS would be any different? Perhaps he should examine the British system, where recent efforts to force broadcasters to rely on advertising for funding threaten to push documentaries and cultural programming right off the air.

Mr. Will selectively quotes statistics to imply that public television is an elitist activity. In fact, the demographics of public television closely mirror the demographics of the American population. A third of public television households have annual incomes of less than $20,000, and 60 percent earn less than $40,000. Recent surveys of the "Sesame Street" audience show that the program reaches nearly a quarter of all U.S. households with incomes under $10,000, over half of the Hispanic households that have children, and over 40 percent of African-American households with children. "Sesame Street" is also shown in thousands of day care centers. This is elitist?

Mr. Will's statistics are distorted partly because he fails to distinguish between *viewers* and *members*—between those who watch and those who contribute to public television. His failure is disingenuous: It stands to reason that members are most likely to be drawn from the more affluent viewers. Like all other institutions that rely on contributions, public television has a *membership* that is more skewed to the higher income groups that its *viewership*.

But the most troubling part of Mr. Will's column is his extraordinarily crabbed view of the role of our government. He concludes that government should consign public broadcasting—and by extension other cultural institutions—to the forces of the marketplace.

Yet, as he has often reminded us, our government was formed to promote not just life and liberty but also "the pursuit of happiness." In this effort it assists all sorts of institutions: public schools, universities, libraries, hospitals, museums, symphonies and national parks. Historically the province of the elite, these institutions has now become available to everyone. We spend a tiny portion of the federal budget on them; in fact, only 6.2 percent of WETA's $43 million budget comes directly from the federal government via the Corporation for Public Broadcasting.

The idea behind this support is always the same—that promoting access to education, the arts and the outdoors enriches the whole society. Far from being elitist, it is one of the great unifying themes of our country. By giving everyone access to Beethoven and Dickens, Alvin Ailey and Leonard Bernstein—and, yes, to Ken Burns and Big Bird too—we improve ourselves.

Is Mr. Will against *all* such support—or just that for public television? Does he deny that government has a role in perpetuating the cultural vitality of society? If so, he should come out and say it. If so, we differ.

THE DIFFERENCE IS THAT PUBLIC TV SERVES A COUNTRY, NOT A MARKET

(By Marshall Turner)

Some say that the advent of new media—in particular, the challenge of cable television—has decreased the need for public broadcasting and its partial federal support. The opposite is true. Such suggestions miss the point of public television's enduring potential. Our opportunities to serve the American public are growing as a result of changes in the broadcasting environment. We should welcome discussions of public broadcasting, with the confidence that a clearer understanding of our purpose, and perhaps some adjustments of our structure or tasks, will strengthen our service. If anything, the need for public television and federal support of it is stronger now than in 1967, when the Public Broadcasting Act was passed.

It should be noted that federal support is not the heart of public television: member support is. Federal money makes up about 17 percent of total public TV revenues. In 1990, individuals contributed to public TV stations a larger percentage of revenues—22 percent—than any other category of supporter.

Public television originally was conceived as a voice of quality in what former FCC Chairman Newton Minow called "a vast wasteland." For the third of us who do not have or cannot afford cable, including many with the greatest need for educational programs, broadcast television is even less distinguished than it was then.

For viewers with access to many channels, television may not be a wasteland, but it is a thick jungle of largely undistinguished programs. To be heard in a noisy jungle, one needs to have a distinctive voice. Public television has that voice.

Personally, I have never felt that "noncommercial" is a good adjective to apply to public broadcasting. We raise most of our money from noncommercial sources, but an important part of our financing comes from corporate underwriting. And at least some of

a corporation's desire to identify itself on public television comes from what anyone would consider a commercial motivation.

So what makes public broadcasting "public"? Is it just a matter of degree? Is it just "less commercial" than other television? Is commercial television just "less public" because it airs high-quality programs less often and interrupts them with commercials instead of running underwriter credits at beginning and end?

I think the answer to this question, and the key to the purpose of public broadcasting, relates to the difference between a country and a market.

The geographic United States and its population are a market. So is every other place and people. But we are also—very importantly for those of us who live here—a country. I think we all understand the difference.

A country is a body politic and a culture that, if successful, enables a people to make good collective decisions, express their purposes, share some common values, protect themselves, develop to their full potential, and enhance their lives.

"Markets" are vigorous, challenging, flexible and ultimately truthful. Their ability to learn, react and satisfy inspires admiration. But markets have no thoughts, values or higher purposes beyond their reflexive response to needs. Few people have knowingly fought or died for a market.

A people needs to nurture those things that help it be a country. Common experiences, such as wars, elections, art, music, drama and sports events are examples of things that help us to be country-like. A common language and a common analogy base, rooted in knowledge of the shared history and literature that define us, are critical to our ability to discuss issues and make decisions as a body politic.

We are not thrown into as much oral communication as we once were. Newspapers, town meetings, neighborhood bars and even schools have faded in quality or importance for this purpose. For good or ill, most Americans today rely on television as their principal source of information about their country, other Americans and subcultures with which they have little contact. They also rely on television for knowledge of their leaders and potential leaders, for most of the theater and opera they will see, for too much of the American history and literature they will learn and for much of the information, education and individual expectations that help us work as a country.

Only public television—non-market-driven television, excellence-driven television—has as its sole purpose the education and development of the American community. Public television's best programs such as The Civil War, MacNeil/Lehrer NewsHour, Sesame Street and Eyes on the Prize, exemplify its service commitment and raise the hurdle for our performance in the future.

These lofty ambitions, and public TV's acceptance of federal funds, are great responsibilities, with great obligations. Public television must never be "government" television. It must never sacrifice its quality or educational goals to build audience numbers. It must never become a service available only to those who can afford cable or direct satellite services. It must not narrow the breadth of opinion it expresses or of financial support it receives. It must not advocate, even by implication, positions on partisan political issues, and must be equally accessible to the broad spectrum of mainstream political views. It must always work hard to preserve the characteristics that made it "public."

INTRODUCTION—PUBLIC TELEVISION AS AN IMPORTANT NATIONAL TREASURE

Mr. President, I rise in support of S. 1504, legislation to reauthorize the Corporation for Public Broadcasting for fiscal years 1994–96.

Public broadcasting has been making significant contributions to our cultural life for decades. Public broadcasting is a national treasure, showcasing the best of American culture and history, providing a valuable source of entertainment and information, and filling a true need for educational programming on television.

Public broadcasting helps fill the gaps that exist in our commercial broadcasting system, targeting audiences whose needs are not met by commercial broadcasters.

Commercial television does not broadcast a wide variety of documentaries about our history and culture. Public television does give viewers access to that kind of programming.

One of the areas where Americans have made the greatest cultural contributions is in music. Our popular music has spread around the world. That music grew out of the many varieties of American music—jazz, blues, bluegrass, etc.—that developed in different regions of our country. Those music forms remain vital today and the millions of Americans who enjoy them turn to our public radio stations for that type of programming.

In the early 1970s, public television grew significantly. Programs that began in those years are still with us today and have made significant contributions to our culture. I wonder how many of us have enjoyed Masterpiece Theatre, NOVA, Frontline, Wall Street Week, or Washington Week in Review over the years or encouraged our children to watch Sesame Street.

Sesame Street has had perhaps the greatest impact of any public television program. It is as much a part of the collective memory of a generation as any program offered on commercial television. Big Bird, the Cookie Monster, and the other residents of Sesame Street continue to teach and entertain our children today.

That kind of educational programming is one of public broadcasting's greatest achievements and builds on the educational channels that our public television system spawned out of years ago.

The near universal familiarity with Big Bird illustrates one of the most important reasons for a viable public broadcasting system. It can give us a common unifying experience.

This is particularly important today when we are seeing the development of a growing number of television channels that offer specific types of programming.

We are seeing a fragmentation of the television audience. The weakening dominance of the networks, the explosive growth of cable, and the increase in the number of television channels available to the average viewer have all helped divide the audience into a variety of market niches.

Some argue that this means we no longer need a public television system, that viewers who want a type of programming offered on public television can now find a cable channel that specializes in their area of interest.

We have to recognize that we are losing something in this process. Like it or not, television is our primary source of information about what is happening in our country. We don't communicate through other media or common gatherings as we did in the past. If we fragment the television audience into a collection of market niches, we will lose one of the remaining common cultural bonds that help unite us.

Public television helps us look at ourselves as one people, not a collection of groups with little in common but a shared geographic area. It does not exist to serve a market and does not face pressure to develop a niche to attract advertisers. Instead, it can focus on serving all of us.

It's also available to all of us. Public television reaches 96 percent of the population. Not all of those people have, or can afford, the option of subscribing to cable to obtain access to programming unavailable through commercial broadcasters.

Public television brings us programs like The Civil War or Eyes on the Prize that allow us to recall some of the events that have made us the country we are today. Programs like those simply would not have the same impact if they were only available on a "history channel" which only a handful of viewers ever turn to.

That's why it's important that we have a strong public television system even as alternative programming becomes available through niche channels. Public broadcasting stations will provide a greater variety of programming on one channel. Viewers who tune in for a historical documentary may be drawn to a cultural program that they would be unlikely to seek out on a separate channel.

It's important that we have channels that provide a wide variety of programming that appeals to Americans with very different tastes, backgrounds, and interests. Public television introduces viewers to elements of our culture and history that they might not otherwise be exposed to. It broadens our common understanding to our diverse country and culture in a way that a package of niche channels can never match.

Marshall Turner, the Chairman of the Corporation for Public Broadcasting, has written an article on the national role of public television that appears in this month's issue of Current, public television's magazine. I think it is a thoughtful piece and encourage Senators to read it. I ask unanimous consent that this article be included in the Record.

EDUCATION

I would like to turn to an area of longstanding interest to me; children's television and the important role television can play in education.

We all know that the media is a powerful influence in our society. Parents, commentators, educators, psychologists, law enforcement professionals, child care specialists, clergymen, and many others constantly decry the negative influence of the commercial media, especially television, on our youth and our culture in general.

A recent report by the Carnegie Foundation for the Advancement of Teaching cited the corrosive effects of commercial television on very young children.

Just last week, the American Psychological Association released a report on the subject. The report argued poor viewing habits can lead to antisocial behavior, gender and racial stereotyping, and diminished academic performance.

While both of these organizations lament the influence of television in general, they hold out public television as an oasis of excellence in the "vast wasteland." In fact both organizations call for increased funding of public television.

Television is a unique medium that offers incredible opportunities to enrich the lives of America's children. Virtually every devel-

oped country in the world devotes more resources than we do on educational television for children.

Unfortunately, we don't make very good use of television's educational potential. If anything, we may have gone backwards. It's ironic that, in a very real sense, the more we know about the educational potential of television, the less we do to use it.

Our commercial broadcasters often ignore the child audience or offer cartoon programs that are principally designed to promote toys to children. We can do better than this. Indeed, we must do better if we expect America's youth to enjoy the same opportunities to learn from television as children from countries where television is used more wisely as an educational resource.

I hope that the situation will soon improve. Last Congress, I worked closely with Senator Inouye and others to enact the Children's Television Act of 1990. This legislation should help bring more educational programming to commercial television in the future.

But public broadcasting already does do better. Indeed, it's likely that more people know public broadcasting through children's shows such as Sesame Street, WonderWorks, Newton's Apple, and Degrassi Junior High than through any other programs.

Public broadcasting's educational role, moreover, goes far beyond what most of us see on television or hear on the radio.

Every school day, public television reaches 27 million students; hundreds of thousands of working adults receive higher education through college courses distributed by public television; public television brings courses in Japanese and Russian, advanced placement math and science to rural and other underserved students across the country; public television will soon be training Head Start teachers in remote Alaskan villages, Indian reservations, and migrant labor populations via satellite.

We can use the power of television to expand preschool and K–12 education, improve teacher training, advance adult literacy, and build community partnerships to solve problems.

We've built the public telecommunications infrastructure to serve our country. We're just beginning to realize our potential to harness that infrastructure for education.

We should be finding ways to develop that potential rather than tearing the system down because you don't like a few hours of programming.

It's true that cable television offers many valuable educational programs as well. But good programming is useless if viewers don't have access to it. And many more people have access to public television than to cable.

In addition, cable viewers have to pay for programming. The families that are least able to afford educational material and entertainment alternatives are the most likely to have children who spend the bulk of their free time watching television. They are also the least able to afford cable and the educational programs offered by cable systems.

These families and their children will only be able to benefit from television's educational potential through broadcast television. Commercial broadcasters simply haven't done as good a job of providing educational and children's programming as public broadcasters have done. It's important we keep a viable public television system in order to meet those needs.

INDEPENDENCE

The final theme I want to touch on is independence. Public television is independent, independent of government guidance and independent of advertiser guidance.

That independence was very carefully provided when the Corporation was established. The Corporation receives some federal funds but it is required to obtain other funds in order to support programming. It is not a part of the government and the vast majority of its funds—more than 80 percent—come from non-government sources.

Public broadcast stations are themselves independent. The Public Broadcasting System and National Public Radio are not umbrella organizations that control member stations. Rather they are owned by the stations.

The result is a system that is not dependent on any one funding source. Nobody's agenda drives programming.

Public television is public television; the system is rooted in the fertile ground of its individual stations and the public that watches and supports them, not in an overarching bureaucracy that develops programming from the top down.

That's the way it should be. Television is a very powerful medium. We shouldn't allow the government of dictate the content of broadcasts, to determine what should be our official culture.

The current system is a hybrid of public and private funding. The public funding provides seed capital that stations use to leverage additional private resources. In this way, the government encourages a system that offers significant public benefits yet avoids the pitfalls of official government broadcasting.

We should remember that we support commercial broadcasting as well by providing spectrum free of charge. We impose some responsibilities in exchange for that but we do not go so far as to dictate what broadcasters can or cannot say. We shouldn't go that far with public television either.

I would think that conservatives who mistrust government would be worried about government restrictions on programming, not advocating it.

And yet, Mr. President, we find public broadcasting under attack today. Some of our colleagues are apparently unhappy with an hour here, a half hour there. They reportedly don't like that an independent producer would take a point of view they disagree with.

These Senators are willing to drag public broadcasting through the mud because it won't conform to their own views and opinions.

Tearing down public broadcasting would be a tragic mistake. We have public broadcasting because the American people want public broadcasting. They know that public television and radio are positive influences on the quality of life in their communities.

It's true that the current system may produce programming that some individuals will dislike; after all, you can't please everyone and if you try, you're likely to come up with something that pleases no one.

Diversity is an important goal. And diversity means that we should expect to be able to find programs we like and programs we don't like when we turn on our TV or radio.

It's legitimate to criticize such programs and to look at the quality and direction of public broadcasting as a whole. That kind of feedback can only help public broadcasters better serve the public. But I hardly think that we should move onto the slippery slope of government restriction of programming.

Today, public broadcasting revenue from all federal sources is about 16 percent of the total. This means that matching funds from individuals, corporations and state and local governments are much higher than called for in earlier authorizing legislation.

I think that's good because it means that public television is not official state television. We shouldn't move in that direction in response to a few isolated programs that are not popular.

If we do move in that direction today what's the next step, disallow tax deductions for non-profit groups that we disapprove of because that is a form of indirect government support that leverages private support?

If one of us were to offer such an amendment, many of those critical of public broadcasting today would hit the roof. And rightly so.

However, they do want to tell a public broadcasting station that it cannot put money into a particular program because some of its funding comes from the government.

The independence of CPB and its public/private nature exists for a reason. Public broadcasting would not exist on the scale it does today without government support; but it would not serve the public nearly as well as it does today if we begin to subject it to government control.

With the relatively small amount of funding received each year, the public broadcasting community has done an excellent job of serving the American people.

Despite this record, the Reagan Administration repeatedly sought to eliminate the Corporation for Public Broadcasting.

I stood guard for six years as Chairman of the House Telecommunications Subcommittee against this effort. Many of those supporting the legislation today led the same fight on this side of the Capitol.

I would hope we don't need to do so again.

We will apparently have a number of amendments. We should debate them. But in the end, we should pass legislation that ensures we will continue to have viable and vibrant public television and radio.•

AMEND THE ESA

• Mr. GORTON. Mr. President, the Endangered Species Act needs to be amended. In its current form, the Endangered Species Act provides insufficient balance between species and people. When species are listed, people, jobs, and communities no longer count. Decisions made to help recover species run roughshod over families and communities with no consideration for their wellbeing. That is what has happened in the case of the spotted owl, where job losses are estimated to be from 40,000 to 100,000. This is Government run amok.

We must amend the ESA to take people into consideration. I am not alone in this viewpoint. I recently contacted people in the areas most affected by these salom recovery actions and asked their opinion about the ESA. They overwhelmingly supported efforts to amend the Endangered Species Act. These people are very worried about what this act will mean for their future. And they feel helpless to do anything about it.

A government that they have been raised to honor and respect is now telling them that they don't matter, that

the only thing that matters is protecting endangered species and subspecies. These people want to protect species just as much as anyone else. But they want to protect their families and their way of life as well.

It is imperative that we amend the Endangered Species Act to take families and communities into consideration and provide some balance to a process that is out of control.•

THE SCIENCE 60 PRUNE BOOK

• Mr. GORE. Mr. President, as chair of the Commerce Committee's Science Subcommittee, and as a Senator who is deeply concerned about America's ability to address the compelling scientific and technical challenges that face us, I commend to my colleagues in the Senate and to anyone interested in Government excellence, an important new book entitled, "The Prune Book: The 60 Toughest Science and Technology Jobs in Washington."

The "Science 60 Prune Book" looks at what it takes to fill 62 high level, mostly presidentially appointed Federal S&T positions—everything from the assistant to the President for Science and Technology, to Director of the National Institutes of Health, to the chiefs of the Nuclear Regulatory Commission. The book examines the range of responsibilities of the job holders, the policy issues they face, the management problems they must grapple with, and the personal credentials they need to be most successful.

I am certain that this book will be of great value to those concerned with nominating the best people to fill these jobs. I also recommend the Prune Book to journalists, teachers, and members of the national science and technology community who seek insight into the Government's place and role in science and technology.

I applaud the Council for Excellence in Government for its recognition that superior science and technology leadership is a critical contributor to effective Government. I trust that future Prune Book volumes will turn an equally comprehensive eye on other areas of concern to those of us charged with appointing and confirming the most highly qualified leaders to fill key Government posts.•

IN RECOGNITION OF POWAY HIGH SCHOOL

• Mr. SEYMOUR. Mr. President, I rise today in recognition of Poway High School and the faculty, staff, students, and parents upon achieving excellence in education.

Last year, Poway High School was 1 of 222 schools nationwide to receive the 1991 National Secondary School Recognition Award. The Poway Unified School District was the only district in the Nation with three schools so honored. With only an enrollment of just under 25,000, the district received as many awards as all of Los Angeles County whose enrollment is 1.37 million.

The remarkable achievements of Poway High School have come about through a remarkable system of management, which keeps the decision-making process with the principal, teachers, and staff. By keeping the process at the schoolsite, with the involvement of parents and the community, rather than in the hands of a far-off bureaucracy, Poway High School has been able to direct resources where they will most benefit the students.

The results of this management system are clear. Poway High School features new technology labs, a television studio/classroom as well as a small animal care facility, which is the first of its kind to be built in California. Of course, Poway High School's more traditional curriculum of mathematics, history, English and foreign languages are, in terms of quality, second to none.

Free strategies, flexibility, and reform are the key to achieving excellence in education. Poway High School stands as a sterling example of achievement.

More than 70 percent of Poway's graduates go on to college, many of which are accepted at the best universities in the Nation. Simply put, when a parent sends their child off to Poway High School, they can take great comfort in knowing of the tremendous educational opportunities that will be available to them.

Mr. President, I ask my colleagues to join me in commending Poway High School for achieving excellence in education and to offer our best wishes for continued success in their future endeavors.•

OPPOSE S. 906

• Mr. GORTON. Mr. President, I recently contacted constituents in my home State to get their opinion on S. 906. This bill would allow State and local governments to borrow money from the Social Security trust fund for projects in their area. I felt this bill was a bad idea but thought it was important to see how my constituents felt. By an overwhelming margin the people who wrote me back felt it would be dangerous and ill advised to loan Social Security trust funds to State and local governments. I agree with them and would like to take this opportunity to voice their strong opposition to this bill. It is a bad idea and I will vote against it if it reaches the Senate floor.

America's seniors are very worried about the solvency of the Social Security trust fund. They see record Federal deficits year after year and are very concerned that those deficits will jeopardize the solvency of the trust fund. We must do everything we can to ensure that the trust fund remains solvent and available for our seniors who have spent a lifetime paying into the System. I believe S. 906 poses an unnecessary threat to America's seniors and I will oppose the bill with all my efforts.•

M-1A1 UPGRADES

• Mr. D'AMATO. Mr. President, I am deeply suspicious of a report in the trade press concerning M-1A1 upgrades. If accurate, we have come full circle in the struggle to preserve the tank industrial base.

Two years ago, when new tank production was slated for cancellation and upgrade proposals first began to surface, the tank building community found itself very much at cross purposes. Aware that the M-1A2, then in development, promised the greatest profit per tank, the prime contractor promoted a plan for upgrading M-1A1's to the M-1A2 configuration. This plan neatly eliminated the backbone of the tank industrial base from participation in the modification program, and pooled benefits in the hands of the prime and a few electronics manufacturers producing black boxes more commonly found in aircraft cockpits.

The rest of the tank industrial base, centered around the depots and arsenals, developed an M-1 to M-1A1 upgrade that had the virtue of addressing some of the known deficiencies of early M-1's, such as an inadequate main gun and insufficient armor protection, at considerably less than cost than the M-1A1 to M-1A2 plan. In the eyes of many, it was a debate over gold-plating versus modernizing the force.

After a wrangle of rare intensity, advocates of maintaining the tank industrial base compromised. The M-1 was accepted at the starting point for any upgrade program; however, on the question of the end point, the authorizers and appropriators agreed to disagree. The authorizers supported an M-1 and M-1A2 modification plan. The appropriators, noting the rapidly declining Army procurement budget and the high price and uncertain benefits of the M-1A2, chose the significantly less costly M-1 to M-1A1 option.

The Development of Defense, taking advantage of the confusion, refused to spend the money.

In the interim, U.S. forces were sent to the Persian Gulf. It was not lost on congressional observers that the Army traded M-1 tanks for M-1A1's prior to the initiation of Desert Storm, and that Iraq's Soviet-built tanks were decisively outmatched by the M-1A1 in every important category. This, combined with the dissolution of the Soviet Union, eased pressure to pace what was revealed to be wildly exaggerated estimates of the capability of Soviet armor

and the rate of its armor modernization program.

Desert Storm aside, the prime contractor, still seeking maximum profit, stepped up its efforts to ram a M–1A2 upgrade through Congress last year. The Army, of mixed mind on tanks, allowed the contractor to formulate policy on Capitol Hill. By year's end, to avoid Pentagon exploitation of congressional disagreement, M–1A1 champions bowed to those favoring M–1A2 to form a united front.

The cost of the M–1A2, by now exorbitant as compared to the Army's allocation of procurement dollars, provided a convenient excuse for the Pentagon to again refuse to spend the money.

This year, faced between the choice of upgrading tanks or funding the rest of the weapons and tracked combat vehicles account, the Army understandably chose not to pursue a tank upgrade program. The Senate Appropriations Committee, bowing to the inevitable, has offered these funds up for rescission.

Now I read that the Army is developing a modest plan to digitize M–1A1's. This is nothing more than a Trojan horse, a means of funding of a M–1A1 to M–1A2 upgrade. Some smart briefer in the Army, or, more likely, with the prime contractor, has simply carved up the M–1A2 into its constituent parts, to be funded incrementally. Mr. President, I am not fooled, and the American public should not be fooled, either. The proposed installation of a data bus is little more than a pricey bailout that fattens the prime contractor while allowing the core elements of the industrial base that has produced tanks in this country for most of this century to wither away. As a data bus is useless without black boxes, digitizing the M–1A1 would create a sweet little product improvement market for electronics firms. Meanwhile, thousands of older M–1's, most destined for National Guard units, will remain unable to match even the current threat. Arguably, this is a subtle way of keeping Guard combat arms units out of any future frays.

Congress must not allow this to happen. The contractor tail has wagged the Government dog for far too long. If modernization is essential, if the industrial base is worth saving, then the Army must say so, fully fund its initiatives in the out years, justify its estimates, and withstand the scrutiny of congressional skeptics. Anything less betrays both our men and women in uniform and the taxpayer.

I ask that the "Inside the Army" article entitled, "Stone Lining Up Behind $200 Million Program for Limited Upgrades to M–1A1" be printed in the RECORD immediately after my remarks.

The article follows:

STONE LINING UP BEHIND $200 MILLION PROGRAM FOR LIMITED UPGRADES TO M1A1

Army Secretary Michael Stone is lining up behind the idea of a $200 million a year program for limited upgrades to the M1A1 tank, according to Pentagon sources. While the idea of a limited program to upgrade tanks has been discussed for some time in the Army, it has been resisted by the acquisition side of the service, where officials have argued that a full conversion of M1 tanks to M1A2s would yield a better buy for the money. But, given the fact that the Army has so far failed to come up with the money for a full M1 to M1A2 upgrade program, and hasn't been able to sell such a program to the Office of the Secretary of Defense, the idea of limited improvements to the M1A1 reportedly has been gaining ground lately. However, sources say that, before the Army submits such a program as part of its FY–94 to FY–99 program objective memorandum, service officials will want some kind of firm indication from Defense Secretary Dick Cheney and Deputy Defense Secretary Donald Atwood that they would approve the plan.

Sources say that there is growing consensus between acquisition officials and Army staff officials under the Deputy Chief of Staff for Operations and Plans that the limited upgrade plan makes sense. As one source puts it, the Army is asking, "what smart things can you do at a lower level so that [we] don't fall behind" other countries in terms of tank capability.

The improved M1A1 tank will carry a new data bus, one of the central features of the M1A2 tank, according to a number of Pentagon sources. They say that this will give the tank digital capability which will allow electronics and computer systems to be "plugged" into the tank in the future. Proponents of the new data bus say that it will allow the tank to make use of advanced night vision, communications and electronics capabilities. As one source puts it, "the data bus is essential to preserve options for the future."

Putting a digital turret on a tank is a complex business and it would probably have to be done by industry. This is a selling point with Army Acquisition Executive Stephen Conver is that it will send work in the direction of Army contractors. Conver has consistently voiced his concerns about the industrial base issue. He has fought hard for the full M1 to M1A2 upgrade, but sources say he will settle for the limited plan—for the moment.

Some sources say that other tank improvements under consideration might be split up between Army depots and contractors. It is not clear what work would be done at the depots. A new commanders independent thermal viewer has been one feature that many in the Army say an improved tank should have. But it is not clear if the CITV would be included in the improved M1A1.

In the initial stages of the proposed program, not all of the Army's M1A1 tanks will be improved, according to one Pentagon source. This source explains that the Army may start off with a modest program and work its way up. As part of a more robust effort, the older M1 tanks may be upgraded to the M1A1 configuration.

The reasoning behind targeting the M1A1s for improvement before the M1s, is that the M1A1s are the first to fight. Sources explain that the Army wants its first-line tanks to be the most advanced.

Sources say that the service is still working out the details of program that everyone can agree on.•

SENATOR PAUL DOUGLAS OF ILLINOIS

• Mr. SIMON. Mr. President, just a handful of our colleagues (Senators INOUYE, KENNEDY, BURDICK, BYRD, PELL, and THURMOND) here today served with Senator Paul Douglas of my State a quarter of a century ago.

I am certain each could tell you what a fine Senator and human being he was. In my weekly column, I have paid tribute to "the people's Senator," Senator Paul Douglas of Illinois, who would have recently celebrated his 100th birthday.

I ask this column be printed in the RECORD.

The column follows:

PAUL DOUGLAS OF ILLINOIS: "THE PEOPLE'S SENATOR"

We have recently—on March 26th—celebrated the 100th anniversary of the birth of one of the greatest senators in the history of our state, and certainly one of the finest senators of this century for the nation: Paul Douglas.

Colleagues, staff, family and friends of Paul Douglas celebrated this anniversary in Washington with a centennial dinner commemorating his life. Creation of the annual Paul H. Douglas Ethics in Government Award, to be administered by the University of Illinois, was announced at the dinner. The award will be given nationally to an elected or appointed government official, or a civil servant, or a writer, who has made a significant contribution to ethics in government.

Paul Douglas was born in New England, and his mother died of tuberculosis when he was four. His father was an alcoholic but had the good sense to marry a marvelous woman, Florence Young, before he abandoned the family. Paul Douglas's stepmother became his inspiration.

She taught Paul and a few others in a small, one-room school in the tiny village of Onawa, Maine. Our family visited Onawa one time, spending a weekend learning more about Paul Douglas's roots. There you get a sense of the great struggle he had when you see the tiny village where he lived in a log cabin.

He went 40 miles away to high school, doing odd jobs to pay his room and board. Eventually he became a professor of economics at the University of Chicago and one of the nation's most renowned economists.

Paul Douglas was elected to the Chicago City Council and became, many times, the lone vote of opposition. Frequently, the votes were 49–1. At age 50 during World War II, he convinced the Marines to waive their requirements, and he enlisted as a private. He served in the Pacific and was badly wounded, losing the use of his left arm.

His wife, Emily Taft Douglas, was elected to the U.S. House of Representatives while Paul was in the service, and she served one term.

In 1948, the team of Paul Douglas for senator and Adlai Stevenson for governor scored an upset victory, and both started their significant contributions to the nation.

Paul Douglas, before coming to the Senate, had already helped draft the Social Security laws, and in the Senate headed the efforts for civil rights laws, truth-in-lending (giving you notification of the interest rate you are charged on a loan), minimum wage laws, environmental laws and a host of other major initiatives.

What identified his record most were his persistent efforts for those who are powerless, for the least fortunate in our society.

Some people who succeed forget those who will struggle. They forget that the helping hand of some, plus some good breaks, plus hard work, got them where they are. They are indifferent, sometimes even hostile, to those who are still at the bottom economically.

Paul Douglas never forgot the struggle of his stepmother and others who had a hard time getting food and clothing.

Illinois and the nation were fortunate to have his services.•

McDONNELL PUTS C-17 OVERRUN AT $790 MILLION

• Mr. D'AMATO. Mr. President, it has been long in coming, but McDonnell Douglas has finally confessed to an overrun on the C-17, but only $790 million. That is a far cry better than the $850 million the Air Force continues to assert is the correct figure, which, in turn, is lower than some of the estimates bruited through the Office of the Secretary of Defense.

I ask that the full text of the Los Angeles Times article: "McDonnell Puts Jet Cost Overrun at $790 Million," be printed in the RECORD immediately after my remarks.

To put this overrun in perspective, the Army's weapons and combat tracked vehicles—tanks, armored personnel carriers, howitzers, et cetera—total request for 1993 is $623 million.

The article follows:

[From the Los Angeles Times, Apr. 24, 1992]

MCDONNELL PUTS JET COST OVERRUN AT $790 MILLION

(By Ralph Vartabedian)

After denying for nearly two years that its C-17 cargo jet program was headed for a big cost overrun, as the Air Force was predicting, McDonnell Douglas acknowledged Thursday that the program will end up about $790 million over its contract ceiling.

The important revision in the cost estimate—representing about 3% of the value of the contract to develop the C-17 and produce the first six aircraft—came on the heels of an $80-million write-off against the cargo jet program, disclosed Wednesday in the firm's first-quarter results.

Until Thursday's cost revision, McDonnell was projecting that it would break even on the C-17 contract and that the cost overrun would amount to about $350 million—most of which it planned to recover by filling claims it expected the Air Force to pay.

Although the C-17 costs have risen relentlessly over the past several years—amid technical problems, production line snafus and a disruptive management reorganization—it now appears that the price tag has been stabilized and that huge additional overruns are unlikely, according to company executives, Air Force officials and securities analysts.

David O. Swain, McDonnell's C-17 program manager, said he was "unhappy" about the excess cost, which the company must bear.

Swain blamed the higher costs on plant disruptions caused by layoffs, additional engineering required on the aircraft, higher supplier prices and lack of investments needed to improve quality. He also cited the cost of fixing fuel leaks on the first C-17 test craft, which have caused the Air Force to ground the plane three times since Oct. 31.

But Swain said that 92% of the contract has been completed and that he was "quite confident" of the current cost projections.

"We are awfully close to topping out," Brig. Gen. Kenneth Miller said in a recent interview. Miller said that while McDonnell was making progress in its productivity on the C-17 program, it was not rapid enough to escape a big cost overrun on the contract.

Air Force spokesman Capt. George Sillia said Thursday that the service had examined claims submitted by McDonnell and "found them to be without merit." McDonnell has made hundreds of millions of dollars' worth of claims on the C-17, and said it expects to recover about $200 million from the Air Force.

McDonnell Douglas stock fell 1.875, to 59.25, in trading Thursday on the New York Stock Exchange.

"They have an embarrassing situation," Prudential Securities analyst Paul Nisbet said. "Their estimates were wrong. . . . They have had some sloppy management, that is what it is. It makes them look like they are devious, but they are not at all. They are just sloppy. They are cleaning it up."

McDonnell's contract to develop the C-17 and build the first six planes has a ceiling of $6.6 billion. On Thursday, the firm said it estimated the ultimate cost at $7.39 billion, for a cost overrun of $790 million. The Air Force still projects a slightly higher overrun of $850 million.

For accounting purposes, McDonnell has pooled all its C-17 contracts in the hope that profit from the most recent production contract will offset some of the $790-million cost overrun. That is why it wrote off only $80 million against the program in its quarterly report earlier this week.•

EXECUTIONS WILL NOT REDUCE CRIME RATE

• Mr. SIMON. Mr. President, the recent execution in California of Robert Harris simply underscores, once again, the senselessness of this process through which we execute others and brutalize our society. Only a few Western industrialized countries still have the death penalty. Among the major industrial nations of the world, only the United States, China, Russia, and South Africa retain the death penalty.

There is no evidence that the death penalty is a deterrent to murder. The statistical evidence would even indicate to the contrary, though I also believe that is flawed.

What we know beyond dispute is that if you have enough money to hire the best attorneys, you do not get the death penalty. The death penalty is one we reserve for people of modest means. It is the one penalty for which society has no way of expressing its regrets if later it is discovered that a mistake has been made.

One of my favorite columnists, as some of my colleagues know, is Carl Rowan. I suppose one of the reasons any of us like a particular columnist is that we agree with him or her though some with whom I find myself in frequent disagreement I still read regularly and with approval of their journalistic efforts, if not their views.

Carl Rowan has written a column on this subject that makes eminent good sense. Among other things, he says: "It ought to say something to thinking Americans that even as our numbers of executions climb, the homicide rate soars." I ask that the Carl Rowan column be printed in the RECORD.

The column follows:

EXECUTIONS WON'T REDUCE CRIME RATE

(By Carl T. Rowan)

The case of the long-delayed gas chamber murderer Robert Alton Harris in San Francisco is jut another bit of dismaying evidence of the extent to which fear of crime has warped the American mindset.

After 25 years of resisting the death penalty, California have joined other Americans in the belief that use of the gas chamber or the electric chair will deter people from committing the kinds of grotesque crimes that Harris carried out against two teenage boys in 1978.

It ought to say something to thinking Americans that even as our numbers of executions climb, the homicide rate soars.

It is clear beyond debate that the death penalty is no deterrent to any violent crime. The statistics make it more than plausible that states carrying out executions are only adding to the spirit of violence, to the rampant disregard for human life.

Despite the admonition in Romans 12:19 that "Vengeance is mine; I will repay, saith the Lord," this society and its Supreme Court have adopted a policy that says vengeance belongs to the relatives of crime victims.

Not just white leaders, but black mayors and cops, wallow in the illusion that they can stop black crime by locking up more and more young black men. In Washington, D.C., a predominantly black city with a black mayor and a black police chief, four out of every 10 young black males who are imprisoned is greater than the rate of South Africa.

A draconian spirit of mind and heart has taken over in America. Health care for the poorest families is virtually ignored. George Bush jokes mordantly when he calls himself the "education president." Welfare children are the subjects of brutal, mindless, heartless bashing. Yet the White House, the Pentagon and others continue to demand an absurdly high level of spending for arms on grounds that somewhere out there America has a scary foe to replace the Soviet Union.

We are cursed by rampant use of illicit drugs in this society, and our current government wants to delude us into believing that it is solving this problem by kidnapping foreigners, as in the case of Panama's Manuel Noriega, and putting them on trial in the United States. Who notices that Professor Mark Kleiman of Harvard University has just reported to the U.S. office of National Drug Control Policy that heroin use in this country has reached "pre-epidemic stage" and could soon overtake cocaine as America's destructive drug of choice?

Despite the new spirit of vengeance, the embrace of state executions, the almost mindless resort to jailings, the Justice Department tells us that 2,612,150 violent crimes were committed in 1991, up 7.9 percent from 1990; and that there were 207,610 rapes and attempted rapes in 1991, up 59 percent from the previous year.

With all of its fear-inspired budget increases, and its assaults on personal liberties

having failed, the FBI offers us a new "solution" to the crime problem. It wants a law making it possible for FBI agents to use high-tech, sophisticated equipment to tap the telephones of just about anybody.

When will we find leaders who will tell Americans the truth: that letting Harris suffer six to 12 minutes before he died from poisonous gas in California, or increased use of the electric chair, or wiretaps, will not reduce crime?

Only those with the "bully pulpit" of the presidency, or of governor's mansions, can deliver Americans from the nation-destroying notion that state-ordered violence is the antidote to gruesome criminal behavior by Americans who are full of resentment and rage.•

LITERACY IN AFRICA

• Mr. SIMON. Mr. President, as my colleagues in the Senate know, I have pushed hard to improve literacy in the United States, and we still have a long way to go to get anywhere near where we should be.

I chair the African Affairs Subcommittee, which has responsibility for sub-Sahara Africa.

Recently, I received a report on literacy rates in African countries, and they are disheartening. Its estimates come from the U.S. Agency for International Development [AID].

What is particularly disheartening is the disparity between literacy opportunity for men and women.

This is even true for an enlightened country like Botswana, which has a surprisingly low literacy rate. I am confident the Government of Botswana must be working on this problem, and I am directing a letter to the United States Ambassador there to get information about that. But in Botswana, for example, if the figures are correct, the overall literacy rate is 23 percent, for men 32 percent, and for women 16 percent. That means the literacy rate for women is exactly half of what it is for men, and there are many countries where the figures are also startling. In Angola, it is 56 percent for men and 28 percent for women; Burkina, 28 percent for men and nine percent for women; Burundi, 61 percent for men and 40 percent for women; the Central African Republic, 33 percent for men and 15 percent for women; Chad, it is 42 percent for men and 18 percent for women; Congo, 70 percent for men and 44 percent for women; Djibouti, 63 percent for men and 34 percent for women; Gabon, 74 percent for men and 48 percent for women; Gambia, 39 percent for men and 16 percent for women; Guinea, 35 percent for men and 13 percent for women; Guinea-Bissau, 50 percent for men and 24 percent for women; Malawi, 34 percent for men and 12 percent for women; Mauritania, 47 percent for men and 21 percent for women; Niger, 62 percent for men and 40 percent for women; Rwanda, 64 percent for men and 37 percent for women; Sao Tome, 73 percent for men and 42 percent for women; Senegal, 52 percent for men and 25 percent for women; Tanzania, 62 percent for men and 31 percent for women; and, Uganda, 62 percent for men and 35 percent for women.

Some countries do appreciably better. In Zimbabwe, there is a 67 percent literacy rate, one of the highest in Africa—74 percent for men and 60 percent for women. That still leaves great room for progress, but it is much above average for Africa. South Africa, for all the deficiencies of apartheid—and there are many—shows that it has the base for turning things around if they can finally get rid of all the vestiges of apartheid. In South Africa, the overall literacy rate is 76 percent, with a 78 percent rate for men and 75 percent for women. In Swaziland, it is 57 percent for men and 54 percent for women. One of the more amazing statistics is Lesotho where it is 44 percent for men and 68 percent for women. There may be an error in those figures because it runs so contrary to the general pattern.

I ask that the totals that are 1990 estimates, based on those who are 15 years old and over, who can both read and write, be printed in the RECORD.

The table follows:

LITERACY IN AFRICA

Country	Percent—		
	Total	Men	Women
Angola	42	56	28
Botswana	23	32	15
Burkina	18	28	9
Burundi	50	61	40
Cape Verde	66	NA	NA
Central African Republic	27	33	15
Chad	30	42	18
Comoros	48	56	40
Congo	57	70	44
Djibouti	48	63	34
Equatorial Guinea	50	64	37
Ethiopia	62	NA	NA
Gabon	61	74	48
Gambia	27	39	16
Guinea	24	35	13
Guinea-Bissau	36	50	24
Lesotho	59	44	68
Liberia	40	50	29
Malawi	22	34	12
Mauritania	34	47	21
Mauritius	61	72	50
Mozambique	33	45	31
Namibia	38	45	31
Niger	51	62	40
Rwanda	50	64	37
Sao Tome	57	73	42
Senegal	38	52	25
Seychelles	58	56	60
Sierra Leone	21	31	11
Somalia	24	36	14
South Africa	76	78	75
Swaziland	55	57	54
Tanzania	46	62	31
Uganda	48	62	35
Zimbabwe	67	74	60

Note.—15 and over can read and write—1990 estimates.

Source: UNDP Human Development report.•

SENATE QUARTERLY MAIL COSTS

• Mr. FORD. Mr. President, in accordance with section 318 of Public Law 101-520, I am submitting the summary tabulations of Senate mass mail costs for the second quarter of fiscal year 1992, that is the period of January 1, 1992, through March 31, 1992, to be printed in the RECORD, along with the quarterly statement from the U.S. Postal Service setting forth the Senate's total postage costs for the quarter.

The material follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 03/31/92

Senators	Original total pieces	Pieces per capita	Original total cost	Cost per capita
Adams	566,911	0.11649	$104,688.06	$0.02151
Akaka	0	0	0	0
Baucus	2,431	.00304	1,982.40	.00248
Bentsen	3,114,420	.18335	521,928.89	.03073
Biden	0	0	0	0
Bingaman	9,500	.00627	1,743.03	.00115
Bond	142,350	.02782	20,590.86	.00402
Boren	0	0	0	0
Bradley	171,050	.02213	24,338.67	.00315
Breaux	511,050	.12110	88,423.07	.02095
Brown	192,250	.05836	33,425.80	.01015
Bryan	110,802	.09219	18,477.63	.01537
Bumpers	83,237	.03541	15,392.14	.00655
Burdick	0	0	0	0
Burns	76,190	.09535	13,589.87	.01701
Byrd	0	0	0	0
Chafee	118,500	.11809	17,485.74	.01743
Coats	0	0	0	0
Cochran	1,950	.00076	416.95	.00016
Cohen	57,510	.04683	11,330.72	.00923
Conrad	195,200	.30557	27,833.06	.04357
Craig	21,180	.02104	3,104.89	.00308
Cranston	1,493,850	.05020	255,274.72	.00858
D'Amato	0	0	0	0
Danforth	0	0	0	0
Daschle	76,920	.11052	11,583.26	.01664
DeConcini	22,200	.00606	3,047.45	.00083
Dixon	425,350	.03721	80,849.74	.00707
Dodd	20,780	.00632	15,036.15	.00457
Dole	0	0	0	0
Domenici	5,600	.00370	1,106.70	.00073
Durenberger	186,375	.04260	28,977.71	.00662
Exon	0	0	0	0
Ford	681	.00018	219.95	.00006
Fowler	372,464	.05749	58,172.82	.00898
Garn	0	0	0	0
Glenn	0	0	0	0
Gore	44,450	.00911	6,270.71	.00129
Gorton	22,800	.00468	3,858.68	.00079
Graham	0	0	0	0
Gramm	1,698,890	.10001	291,217.06	.01714
Grassley	34,825	.01254	10,147.73	.00365
Harkin	0	0	0	0
Hatch	0	0	0	0
Hatfield	0	0	0	0
Heflin	2,700	.00067	595.86	.00015
Helms	0	0	0	0
Hollings	0	0	0	0
Inouye	0	0	0	0
Jeffords	256,200	.45526	39,779.31	.07069
Johnston	233,480	.05533	32,017.33	.00759
Kassebaum	0	0	0	0
Kasten	429,243	.08775	74,041.96	.01514
Kennedy	0	0	0	0
Kerrey	0	0	0	0
Kerry	0	0	0	0
Kohl	0	0	0	0
Lautenberg	1,797	.00023	1,617.28	.00021
Leahy	12,600	.02239	2,345.58	.00417
Levin	2,000	.00022	477.26	.00005
Lieberman	340,267	.10352	58,255.74	.01772
Lott	481,250	.18702	62,679.81	.02436
Lugar	185,650	.03349	30,816.45	.00556
Mack	198,130	.01531	40,050.66	.00310
McCain	42,641	.01163	11,990.20	.00327
McConnell	0	0	0	0
Metzenbaum	0	0	0	0
Mikulski	0	0	0	0
Mitchell	61,500	.05008	8,757.41	.00713
Moynihan	1,490,950	.08287	268,388.93	.01492
Murkowski	252,300	.45869	44,626.85	.08113
Nickles	145,650	.04630	40,830.90	.01298
Nunn	0	0	0	0
Packwood	293,698	.10333	50,154.62	.01765
Pell	435,000	.43350	68,440.43	.06820
Pressler	311,412	.44743	56,868.21	.08171
Pryor	464,818	.19773	68,115.53	.02898
Reid	2,064	.00172	1,539.74	.00128
Riegle	19,769	.00213	6,605.53	.00071
Robb	0	0	0	0
Rockefeller	92,530	.05159	15,486.81	.00864
Roth	299,500	.44959	46,235.18	.06940
Rudman	0	0	0	0
Sanford	0	0	0	0
Sarbanes	69,150	.01446	12,536.44	.00262
Sasser	112,200	.02301	15,469.87	.00317
Seymour	3,204,527	.10768	556,797.21	.01871
Shelby	1,080,000	.26729	157,899.02	.03908
Simon	4,143	.00036	1,221.78	.00011
Simpson	99,200	.21870	13,935.05	.03072
Smith	0	0	0	0
Specter	0	0	0	0
Stevens	0	0	0	0
Symms	4,560	.00453	960.38	.00095
Thurmond	0	0	0	0
Wallop	3,825	.00843	839.71	.00185
Warner	0	0	0	0
Wellstone	73,400	.01678	10,551.89	.00241

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 03/31/92—Continued

Senators	Original total pieces	Pieces per capita	Original total cost	Cost per capita
Wirth	331,654	.10067	53,383.17	.01620
Wofford	0	0	0	0

Other offices	Pieces	Cost
The Vice President	0	0
The President Pro-Tempore	0	0
The Majority Leader	0	0
The Minority Leader	0	0
The Assistant Majority Leader	0	0
The Assistant Minority Leader	0	0
Sec of Majority Conference	0	0
Sec of Minority Conference	0	0
Agriculture Committee	0	0
Appropriations Committee	0	0
Armed Services Committee	0	0
Banking Committee	0	0
Budget Committee	0	0
Commerce Committee	0	0
Energy Committee	0	0
Environment Committee	0	0
Finance Committee	0	0
Foreign Relations Committee	0	0
Governmental Affairs Committee	0	0
Judiciary Committee	0	0
Labor Committee	0	0
Rules Committee	0	0
Small Business Committee	20,515	$3,847.29
Veterans Affairs Committee	0	0
Ethics Committee	0	0
Indian Affairs Committee	1,195	1,305.38
Intelligence Committee	0	0
Aging Committee	0	0
Joint Economic Committee	0	0
Joint Committee on Printing	0	0
Democratic Policy Committee	0	0
Democratic Conference	0	0
Republican Policy Committee	0	0
Republican Conference	0	0
Legislative Counsel	0	0
Legal Counsel	0	0
Secretary of the Senate	0	0
Sergeant at Arms	0	0
Narcotics Caucus	0	0
SCMTE POW/MIA	3,450	1,548.96

U.S. POSTAL SERVICE,
DEPARTMENT OF THE CONTROLLER,
Washington, DC, April 23, 1992.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration, Washington, DC.

DEAR MR. FORD: Detailed data on franked mail usage by the U.S. Senate for the second quarter, Fiscal Year 1992, is enclosed. Total postage and fees for the quarter is $4,606,029.

A summary of Senate franked mail usage based upon the first two quarters of actual data for Fiscal Year 1992 is as follows:

Volume	44,786,033
Revenue per piece	$0.1836
Revenue	$8,222,532.00
Provisional Payments to date	$8,000,000.00
Deficiency in provisional payments	$222,532.00

The first two Postal Quarter results, when projected to an annual figure based upon historical trends for Senate franked mail activity, provide the following estimates for FY 1992:

Volume	97,573,057
Revenue per piece	$0.1832
Total revenue	$17,875,070
Current appropriation	$32,000,000
Estimated surplus	$14,124,930

However, the validity of these projections does remain questionable due to substantial variances in Senate quarterly mailing patterns over the past several years.

FRANKED MAIL POSTAL QUARTER II, FISCAL YEAR 1992—SENATE

Subcategories	Pieces	Rate	Amount
1. Letters: 1st class	2,165,907	$0.2900	$628,113

FRANKED MAIL POSTAL QUARTER II, FISCAL YEAR 1992—SENATE—Continued

Subcategories	Pieces	Rate	Amount
Total	2,165,907	.2900	628,113
2. Flats: 1st class	103,748	1.1005	114,175
Total	103,748	1.1005	114,175
3. Parcels:			
Priority—up to 11 oz			
Priority—over 11 oz	16,907	4.9460	83,622
4th class—regular	27,282	3.9574	107,966
Total	44,189	4.3356	191,588
4. Orange bag pouches:			
1st class	80,181	.3777	30,284
Priority—up to 11 oz	1,462	2.9008	4,241
Priority—over 11 oz	8,628	4.4743	38,604
Total	90,271	.8101	73,129
5. Agriculture bulletins:			
1st class			
Priority—up to 11 oz			
Priority—over 11 oz	2	20.5000	41
3d-class			
4th-class special (bulk)	7	10.2857	72
4th-class regular	52	8.7308	454
Total	61	9.2951	567
6. Yearbooks: 4th-class special (bulk)	2,877	1.4800	4,258
Total	2,877	1.4800	4,258
7. Other (odd-size parcels):			
Priority—up to 11 oz			
Priority—over 11 oz	487	36.0246	17,544
4th-class special (bulk)			
4th-class regular	2,735	12.1960	33,356
Total	3,222	15.7976	50,900
Total outside DC (see attachment)	290,784	.5225	151,937
Permit imprint mailings:			
3d-class bulk rate	22,455,044	.1169	2,624,973
Parcel post—PI	1,074	14.0745	15,116
1st-class single piece—PI			
Address corrections (3547's)	595	.3496	208
Address corrections (3d class)	54,809	.2900	15,895
Mailing list corrections (10 names or less)			
Mailing list corrections (more than 10 names)			
Mailgrams IPA—International priority airmail			
Mailing fees (registry, certified, etc.)			
Postage due/short paid mail			454
Permit fees			
Miscellaneous charges/adjustments			
Express mail service			734,716
Subtotal	25,212,581	.1827	4,606,029
Adjustments			
Grand total	25,212,581	.1827	4,606,029

If you or your staff have any questions, please call Tom Galgano of my staff on 268-3255.

Sincerely,

JAMES S. STANFORD,
General Manager, Official and International Mail Accounting Division, Office of Accounting, Washington, DC.●

FRIENDS OF YOUTH INSTITUTE

● Mr. COATS. Mr. President, last week, I was invited to attend a unique demonstration in front of the U.S. Botanical Gardens. It was held by Friends of Youth Institute, a newly founded nonprofit organization that gives young people experiences and opportunities to empower them to make wise decisions about such crucial issues as drinking and driving, AIDS, drug abuse, suicide and pregnancy.

FYI brought the problem of drunk driving to the attention of policymakers and the public with a dramatic demonstration of the dangers of drinking and driving. The group introduced the Dodge drunk driving simulator, a specially modified car that safely simulates drunk driving through the use of an on-board computer that causes the vehicle to brake and steer as though a drunk driver were behind the wheel.

The simulator is the feature in FYI's first initiative, "Zero by 2000." Zero by 2000 will be a major national effort aimed at achieving zero fatalities due to drunk driving by the year 2000. Not only will children be told the horrible consequences of drinking and driving, but through the simulator, will experience the danger that accompanies a person who is driving drunk.

Drunk driving is a problem that faces not only our children but everyone in society. Alcohol-related traffic deaths represent nearly one-half of all traffic deaths. Each year, 23,000 people die in drug and alcohol-related traffic accidents. Over 300,000 people are injured in alcohol-related traffic accidents each year.

Every alcohol-related accident is tragic since each one could have been prevented. As long as people do not drive after drinking, these accidents will not happen. The injuries and deaths will not happen. But it is much easier to say this than to have it done. A person's self-confidence and pride may make him or her feel in control. The influence of alcohol may cloud the person's judgment. All the stories about the horrors of drunk driving will not stop everyone from driving drunk.

One of the best ways to prevent drunk driving is to experience it through simulation. With the Dodge drunk driving simulator, this can be instilled in people without injury and death. Hopefully, with this experience, people who drink alcohol will think twice before driving and have someone sober take them home.

Friends of Youth Institute should be applauded for bringing to everyone's attention the dangers of drunk driving and for initiating Zero by 2000. The program not only addresses drunk driving but confronts the problem in an attempt to eliminate it.

FYI's goal to give young people the experiences that will help them make the tough decisions they face in life should be applauded. Experience is always stronger than words. It helps us in making our most important decisions. Friends of Youth Institute understands this and should be thanked by all of us for their fine work.●

UNANIMOUS-CONSENT AGREEMENT

Mr. KERRY. Mr. President, I ask unanimous consent that Senator DANFORTH be recognized to address the Senate, and at the conclusion of his remarks, the Senate then stand in recess, as ordered.

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

The Senator from Missouri is recognized.

FINDINGS BY MR. PETER FLEMING, TEMPORARY SPECIAL INDEPENDENT COUNSEL

Mr. DANFORTH. Mr. President, today Mr. Peter Fleming, the temporary special independent counsel, issued his report which included his findings with respect to the confirmation process.

The circumstances surrounding Justice Thomas' confirmation embarrassed the Senate in front of the Nation and the world. The damage to the Senate's credibility will last for years and perhaps decades. The confirmation process inflicted indescribable pain on Clarence Thomas, a good and decent person, and his family.

Mr. Fleming found, first, that a document containing the contents of Anita Hill's statement to the Senate was released to Nina Totenberg from the Senate. Second, Mr. Fleming stated that every Senator and staff member interviewed in the investigation understood that this information was confidential and that its disclosure by the Senate would be improper. Finally, although Mr. Fleming's authority does not extend to determining whether Senate rules were violated, his discussion of the history of Senate Rule 29.5 leads to the conclusion that the leak violated this rule. Such a violation is punishable by expulsion or a contempt citation.

With respect to interest groups, Mr. Fleming gives an excellent account of how partisans outside the Senate, committed to stopping the nomination, worked with allies inside and outside the Senate to accomplish their goal. They failed, but only after the effort to "Bork" Clarence Thomas damaged the Senate and brought discredit on American processes of government.

The attempt to stop the Thomas nomination with essentially any means at hand created an episode that was disgusting, lurid, and degrading. In frantic, superheated battles over ideology, ends quickly come to justify means. This is perhaps the most obvious lesson of the Thomas nomination.

Now, perhaps, the Senate's role on "Saturday Night Live," and Mr. Fleming's report, will convince us at long last that it is intolerable for judicial nominations to be handled as if they were political campaigns.

Mr. President, I yield the floor.

ORDERS FOR TOMORROW

Mr. KERRY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Wednesday, May 6; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 11:30 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized for the time limits specified: The first hour of morning business under the control of the majority leader, or his designee; Senator BENTSEN for up to 15 minutes; Senator SIMPSON, or his designee, and Senator GORTON for up to 10 minutes each; Senator CRAIG for up to 5 minutes; and Senator COHEN for up to 10 minutes.

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

PROGRAM

Mr. MITCHELL. Mr. President, there will be no further rollcall votes this evening. The next rollcall vote will occur at 1:30 p.m. tomorrow.

The Senate will come into session at 9 a.m. There will be a period of morning business until 11:30 a.m. Between 11:30 a.m. and 1:30 p.m., the Senate will complete debate on the pending measure with a vote on the committee substitute, as amended, at 1:30 p.m.

Immediately following that debate, the Senate will proceed to the Telephone Privacy Act pursuant to the previous order.

Mr. President, I thank my colleagues.

RECESS UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9 a.m. tomorrow.

Whereupon, at 6:40 p.m. the Senate recessed until Wednesday, May 6, 1992, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 5, 1992:

DEPARTMENT OF STATE

ROBERT L. BARRY, OF NEW HAMPSHIRE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF INDONESIA.

REGINALD BARTHOLOMEW, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE THE UNITED STATES PERMANENT REPRESENTATIVE ON THE COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

ADRIAN A. BASORA, OF NEW HAMPSHIRE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CZECH AND SLOVAK FEDERAL REPUBLIC.

BOARD FOR INTERNATIONAL BROADCASTING

BARRY ZORTHIAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD FOR INTERNATIONAL BROADCASTING FOR A TERM EXPIRING MAY 20, 1995. (REAPPOINTMENT)

DEPARTMENT OF TRANSPORTATION

ARTHUR J. ROTHKOPF, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY SECRETARY OF TRANSPORTATION, VICE JAMES BUCHANAN BUSEY IV, RESIGNED.

THOMAS C. RICHARDS, OF TEXAS, TO BE ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION, VICE JAMES BUCHANAN BUSEY IV.

MICHAEL JAMES TOOHEY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE GALEN JOSEPH RESER, RESIGNED.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

JOSEPH J. DINUNNO, OF MARYLAND, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 18, 1995, VICE EDSON G. CASE.