HOUSE OF REPRESENTATIVES—*Thursday, May 7, 1992*

The House met at 10 a.m.

Rev. Thomas Kuhn, pastor, Church of the Incarnation, Centerville, OH, offered the following prayer:

Lord, on this National Day of Prayer we are reminded that we are not simply a country, but "one nation under God."

Your love for us is obvious. May our lives reflect that love.

Your love has made us a powerful people. May we always be gentle, to lift up the fallen, and strong, to protect those who cannot defend themselves.

Your love has given us an abundant land. May we always share our abundance with those who cannot care for themselves.

Your love for us has made us truly free. May we work so that all our brothers and sisters, enslaved by prejudice, may be free.

Leadership and vision have been entrusted to this House. May our Representatives work for the good of all Your children. Amen.

THE JOURNAL

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

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

Mr. DREIER of California. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DREIER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 262, nays 122, answered "present" 1, not voting 49, as follows:

[Roll No. 108]

YEAS—262

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
Bacchus
Barnard
Bateman
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bryant
Bustamante
Campbell (CO)
Cardin
Carr
Clement
Coleman (TX)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coyne
Cramer
Darden
DeFazio
DeLauro
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fazio
Fish
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gradison
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jefferson
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lent
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Moran
Morrison
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Pursell
Rahall
Ravenel
Ray
Reed
Richardson
Rinaldo
Ritter
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Scheuer
Schulze
Schumer
Serrano
Sharp
Shaw
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spence
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vander Jagt
Vento
Visclosky
Volkmer
Waxman
Weiss
Wheat
Whitten
Wise
Wolpe
Wyden
Wylie
Yates

NAYS—122

Allard
Allen
Armey
Baker
Ballenger
Barrett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Callahan
Camp
Chandler
Clay
Clinger
Coble
Coleman (MO)
Coughlin
Cox (CA)
Crane
Cunningham
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Emerson
Fawell
Fields
Franks (CT)
Gallegly
Gekas
Gingrich
Goodling
Goss
Grandy
Hancock
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Hunter
Hyde
Inhofe
Jacobs
James
Kolbe
Kyl
Lagomarsino
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
Meyers
Michel
Molinari
Moody
Moorhead
Murphy
Nussle
Oxley
Paxon
Porter
Quillen
Ramstad
Regula
Rhodes
Ridge
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shays
Shuster
Sikorski
Skeen
Smith (OR)
Smith (TX)
Snowe
Solomon
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Broomfield

NOT VOTING—49

AuCoin
Boxer
Bruce
Byron
Campbell (CA)
Carper
Chapman
Collins (IL)
Cox (IL)
Dannemeyer
de la Garza
Dellums
Edwards (OK)
Feighan
Flake
Gallo
Gaydos
Gilchrest
Guarini
Ireland
Jenkins
Johnson (TX)
Klug
Kolter
Leach
Lehman (FL)
Levine (CA)
McCurdy
McMillan (NC)
Miller (OH)
Miller (WA)
Moakley
Morella
Pastor
Payne (VA)
Rangel
Roe
Sanders
Savage
Spratt
Torres
Valentine
Washington
Waters
Weber
Williams
Wilson
Yatron
Young (AK)

□ 1024

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BRUCE. Mr. Speaker, earlier today, May 7, 1992, I was unavoidably detained for rollcall vote No. 108, approval of the Journal. I would like the RECORD to show that had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business during rollcall vote No. 108 on Thursday, May 7, 1992. Had

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I been present on the House floor I would have cast my vote as follows:

Rollcall, No. 108—"yea" on the Chair's apprval of the journal.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MCNULTY). Will the gentleman from Ohio [Mr. LUKEN] kindly come forward and lead the House in the Pledge of Allegiance.

Mr. LUKEN led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate insists upon its amendment to the bill (H.R. 2507) "An act to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes" disagreed to by the House and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. HARKIN, Mr. ADAMS, Mr. HATCH, and Mr. DURENBERGER to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair wishes to announce that he will take up to seven 1-minute statements from each side of the aisle. Other 1-minute statements will be entertained later in the legislative day.

THE REVEREND THOMAS KUHN

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

Mr. LUKEN. Mr. Speaker, I rise for a moment today to welcome Father Tom Kuhn, our guest chaplain, to the Chamber. I came to know Father Kuhn when he was a principal at Elder High School in the western part of Hamilton County for about 8 years.

He has now moved a little north in Ohio to Centerville where he is pastor of the Incarnation Parish, and he leads a delegation of students from that school who are with us this morning.

I will put a more extensive history about Father Kuhn in the RECORD, but suffice it to say, Mr. Speaker, he has devoted his life to the service of God and to his fellow man.

I would also like to thank the Chaplain and the Speaker for making his trip here a memorable one.

Mr. Speaker, I would like to introduce Father Thomas Kuhn of Cincinnati, who has delivered today's invocation.

Father Kuhn, a Roman Catholic priest, has been pastor of Incarnation Parish in Centerville, OH, since 1989.

After his ordination in 1967, Father Kuhn began teaching religion and physics at Elder High School, a Catholic school for young men, in the archdiocese of Cincinnati, OH. In addition, he also served as chaplain for many of the athletic teams at the school. Because of his dedication to the school and his students, he was named vice principal of Elder in 1972.

In 1976, Father Kuhn was named copastor of St. Vincent DePaul Parish located along the Ohio River. He served in this capacity until 1982, when he departed to devote himself full time to Elder.

Having been named principal of Elder High school in 1981, Father Kuhn took over the daily operations of the school and its 1,200 students. Despite the demands of this role, he continued to serve as an associate pastor at St. John's Parish in Westchester, OH. He remained principal of Elder High School, as well as teacher of senior physics through the 1987–88 school year.

After a brief sabbatical in 1988, Father Kuhn was named to his present position as pastor of Incarnation Parish in Centerville, OH.

It is with great pleasure that I introduce to you Father Kuhn.

THE REVEREND THOMAS KUHN

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

Mr. BOEHNER. Mr. Speaker, today I join my colleague from Cincinnati, Mr. LUKEN, in welcoming to the House, Father Tom Kuhn. While he was in Cincinnati and before he arrived in Centerville, OH, he spent several years living in our community in Westchester, OH, and was assistant pastor of our church.

Father Kuhn brought to our church, and I think can bring to a lot of churches in America a very unique quality, and that quality was to have a 5-minute sermon where Father Kuhn would bring a point to bear, and would relate it to a personal experience. In all of my years of going to church and listening to sermons, actually the next day I would remember his sermon.

He is a very dear friend. He has many friends in our community, and I join with my friend from Cincinnati in welcoming him here for the invocation that he gave this morning.

PROTECTING THE SOCIAL SECURITY TRUST FUND

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

Mr. MINETA. Mr. Speaker, as Members know, I have taken this time in the past to talk with our colleagues about the need for Congress to serve our constituents by ensuring that Federal agencies designed to help citizens have the resources to do so.

Last week, we were assured by various officials that Social Security trust funds are not in jeopardy, and that Americans need not worry about unfunded benefits.

We must do more than not worry, Mr. Speaker.

Just as Congress guarantees adequate funding for Social Security, we must also ensure that Social Security offices answer their telephones, meets with our constituents, and responds to their needs in a timely fashion.

Millions of our senior citizens depend upon Social Security to make ends meet here and now. When someone's Social Security payment gets hung up in bureaucracy, they cannot cash in an excuse—whether legitimate or not.

The promise of reliability rests at the core of our system. In other words, Mr. Speaker, there is nothing secure about Social Security unless we make the system live up to that promise.

With respect to disability claims, for example, people are waiting longer and longer to have their claims processed—people who desperately need these benefits to survive.

In my home State of California alone, the backlog of disability cases is so overwhelming that on average it takes 5 months just for an initial review.

At the same time, people who should be taken off disability support are still receiving benefits because of the lack of regular case review.

Mr. Speaker, the reality is that when we shortchange the implementation of our Social Security benefits, we waste taxpayers time and money.

For every dollar spent on reviewing claims, $4 would be returned to the trust fund in benefits paid out unnecessarily.

Mr. Speaker, it is our job in Congress to cut the fat from excessive Government spending—not vital constituent services.

Americans suffer every time we try to be penny-wise and pound-foolish.

□ 1030

GET TOUGH WITH MILOSEVIC

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

Mr. BROOMFIELD. Mr. Speaker, this is not the time for our Government to disengage from Yugoslavia. Those who want to build a new world order must work to end the tragedy of Bosnia, not run from the ongoing crisis there.

Slobodan Milosevic the last Marxist strongman in Europe, is destroying Bosnia the way he took apart Croatia. His raw aggression has resulted in hundreds of people killed, 600,000 refugees, and shameful destruction.

We should coordinate our efforts with our allies and do everything possible to

isolate Milosevic and his regime both politically and economically.

Our Government must continue to work to exclude Serbia from the Conference on Security and Cooperation in Europe and other international institutions. We should strongly encourage other nations to deny recognition to the new Serbian state.

We must work with our friends to bring down the economic roof on Serbia by imposing serious international sanctions on that pariah state. We should restrict Serbia's access to its assets, and suspend loan guarantees.

Perhaps it is time to answer the Bosnian leader's pleas and send an armed U.N. force to stop the massacre of innocent people there. How will history judge us if we sit still while the Serbian army ravages that republic?

Mr. Speaker, we have no choice but to stay involved and get tough with Milosevic.

TIME FOR THE BLAME GAME IS OVER

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

Mr. OBEY. Mr. Speaker, I am announcing to the House today my intention to begin organizing a society to protect the name of our Founding Father, George Washington.

I noticed that the White House has been, for the last 12 years, blaming Jimmy Carter for all of the country's problems. They now, last week, blamed Lyndon Johnson for the problems associated with the Los Angeles riots, and I am sure before the election campaign is over, they will be finding fault with Andy Jackson, Thomas Jefferson, and George Washington. I think we probably need to start now organizing to protect the reputation of those gentlemen.

It also seems to me that we need to face the fact that the time for the blame game is over. If you want to know why Los Angeles happened, it happened, yes, because of a bad jury verdict; yes, it happened because of outright criminality; yes, it happened because of racism. But it also happened because this country, for the last 12 years or more, has seen the income of regular people in this country steadily decline, decline, decline.

Until we do something about economic growth, we are going to see this happen not just in Los Angeles but in a good many other places around the country.

WE SHOULD NOT BE FINGERPOINTING

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

Mr. DREIER of California. Mr. Speaker, a week ago today I stood in this well in the wake of the Rodney King verdict and said, among other things, that I was somewhat embarrassed to be a Representative from southern California.

Well, by Saturday, I was very proud, very proud because of a tremendous rebuilding effort which started in south central Los Angeles and the other areas that were hit.

We have seen Peter Ueberroth, Richard Riordan, and volunteer citizens from the San Gabriel Valley, the San Fernando Valley, and, yes, the Simi Valley come into south central Los Angeles and work on this rebuilding.

The gentleman from Wisconsin has just contended that what the President said should not exist; we should not be fingerpointing.

Yesterday afternoon the President, before he left for Los Angeles, said that we should not be pointing the finger. We should come together to work to rebuild.

We want to see a successful resolution to all of these problems that exist, and I congratulate those who worked so diligently to begin making it happen.

THE OHIO FREE TRADE AGREEMENT

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

Mr. TRAFICANT. Mr. Speaker, the Ohio free trade agreement would exempt Ohio from all Federal regs, laws, and taxes. Think about it. Ohio companies would have to pay no unemployment comp, no workmen's comp, no OSHA, no EPA, no bank regulations, no labor regulations, no minimum wage, no Social Security, no IRS. Think about it. Fat City in Ohio. Job Heaven in Ohio.

Companies from Indiana, West Virginia, Michigan, will be speeding across the border opening up manufacturing plants in Ohio. That is right. You have heard about NAFTA. I have submitted OFTA, folks, Ohio free trade agreement.

If you wonder why all of the jobs are moving to Mexico, look at my bill, and let me tell you something, Congress had better wake up, because the American people want a job, and they do not want to move to Mexico to get the damn thing.

IN SUPPORT OF H.J. RES. 430, DESIGNATING MAY 4-10, 1992 PUBLIC SERVICE RECOGNITION WEEK

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

Mr. WOLF. Mr. Speaker, today, I am pleased to have the opportunity to recognize the thousands of dedicated, hard-working, Americans who unselfishly give of themselves in service to their neighbors, their communities, and their Nation—the men and women who compose our Nation's public service.

I sincerely believe that the American public is privileged to be served by the finest public servants in the world, and this fact should be remembered every day, not just during Public Service Recognition Week. From sewers to space shuttles, from sidewalks to subways, and from food inspection to border protection, public servants help make America work. It is through their efforts that we as citizens of this great Nation have the opportunity to enjoy and prosper from the protections, services, and resources that public servants provide.

Civil servants are the unsung heroes who maintain the necessary daily services that keep our Nation safe and sound. Civil engineers, teachers, and law enforcement personnel, just to name a few, build our roads and bridges, educate our children, and keep our streets secure. In a broader sense, public servants ensure our national security, provide relief to the needy, and protect our fragile environment. Without these vital services, the economic vitality of the United States would be at risk.

In addition to vital day-to-day services, public servants give U.S. industry an edge in the increasingly competitive global high technology marketplace. Public servants provide the vital research base for private industry to develop and apply new technologies in the areas of aerospace, environmental protection, health care, and nuclear energy. As a result of their contributions, American companies produce high technology products that are the envy of the world. Americans enjoy the modern conveniences of these spinoff technologies including lightweight metals and fabrics, computers, fiber optics, bar coding technology, and CAT scan machines to detect cancer.

More importantly, however, public servants play a vital role in ensuring the future of America and the American way of life. The integrity of a nation relies largely on the quality of its public service. As we turn to focus on the many challenges facing our cites and towns, civil servants will be called upon for leadership. It will take professionalism, creativity, and teamwork to meet this Nation's needs in education, housing, transportation, infrastructure, and the environment. In each of these areas public employees will play a major role. Without a quality civil service, the basic democratic and constitutional principles on which this Nation was founded would begin to unravel. I believe public servants are one of our Nation's most valuable national resources, and we must strive to ensure

the United States is afforded a high quality, high performance public work force.

As a Representative of over 75,000 public employees, and a former Federal worker myself, I am proud to be a cosponsor of House Joint Resolution 430 to designate the week of May 4–10, 1992, as "Public Service Recognition Week." I believe it is important to raise awareness about the many important civic and national responsibilities associated with public service. I am hopeful this resolution, along with the many events and expositions planned across the country, will prompt citizens to reflect on the many contributions made by these individuals. I also hope that this week's festivities will generate interest in public service as a career opportunity for people looking to make a difference in their community and in their Nation.

BRING JOBS BACK TO THE UNITED STATES

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

Mr. APPLEGATE. Mr. Speaker, President Bush now wants to level some more blame. The answers to the L.A. problems: He says that all the people want is a piece of the action.

Where has he been? His tax and trade policies have encouraged the action to leave the country for the very same reason that my friend, the gentleman from Ohio [Mr. TRAFICANT], just said, Jobs and businesses are on their way out of the country. But instead he wants to blame the liberal policies of the 1960's.

Now, which ones does he want to blame, problems helping the older Americans, our young, our sick, our poor, or the ones who want to get educated? Who is he kidding?

I think the President has to come out of his ivory tower and come down to see what the real world is all about and show the leadership he was elected to do.

The rich are getting richer, and the rest are getting stuck with the blame.

Yes, a piece of the action is what it is all about, my friends, but bring our jobs back to the United States, and I am sure that is going to solve a lot of problems.

INTRODUCTION OF LEGISLATION TO NAME NEW FEDERAL COURTHOUSE IN RENO, NV, AFTER LATE JUDGE BRUCE R. THOMPSON

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

Mrs. VUCANOVICH. Mr. Speaker, today I am introducing a bill to name the new Federal courthouse and Federal building in Reno, NV, after the late Judge Bruce R. Thompson.

Judge Thompson, former senior U.S. district judge, died on February 10, 1992. Nominated to the Federal bench in 1963, Judge Thompson was appointed by President John F. Kennedy to the bench and assumed his duties on August 30, 1963. Admitted to the Nevada State Bar on October 2, 1936, he served as president of the bar from 1955 to 1956.

Judge Thompson served as the only active judge of the court in Reno until he assumed senior status on August 31, 1978. After taking senior status, and until the time of his death, Judge Thompson continued to maintain a civil caseload for the court.

The courthouse is currently in the design phase, and with funds being appropriated this year by Congress, construction is scheduled to begin within the year.

Judge Thompson, a lifelong resident of Reno with strong family roots, was a vital part of the legal and civic communities in the area. The absence of his presence is being sorely felt, and I believe that this tribute to his memory is most fitting.

THE PRESIDENT'S TRIP TO LOS ANGELES

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

Mr. SCHUMER. Mr. Speaker, this morning the President is in Los Angeles for what I fear will be more of a photo opportunity than a factfinding mission.

It is regrettable that it took 58 deaths and millions of dollars of damage to get our President to finally focus on our cities.

In 4 years as President, George Bush has never bothered to tour the urban blight that lies a scant four blocks from his door. He has never visited rundown areas of my city, New York, to see firsthand the impact of a decade of neglect on America's cities.

Mr. Speaker, while simply throwing money at problems will not solve the cities' problems, neglect punctuated by an occasional photo opportunity surely will not either.

We have to give a hard look to education, jobs, and, most of all, to the deterioration of family and see what the solutions are. If the President thinks the problems of the 1960's are to blame, which programs would he have us repeal, and which ones would he put in their place?

Mr. Speaker, 58 people had to die before George Bush noticed our dying cities. I only hope that his hindsight interest will not fade when grass has grown over their graves and the fires of L.A. stop smoldering.

□ 1040

THE DEMOCRAT RESCISSION PACKAGE

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

Mr. ZELIFF. Mr. Speaker, the Democratic rescission bill is proof positive, that we need individual votes on each proposed budget cut, Mr. Speaker.

The President, following the law and our House rules, proposed a large number of budget cutting rescissions. The House leadership, following its usual partisan political gamesmanship, will not even let us vote on the individual budget cuts, proposed by the President. The Democratic leadership want us to vote on a combined package of rescissions, in a kind of take it or leave it basis.

The great majority of the President's budget cuts make sense, and if the Democratic leadership would let them come to the floor, for individual votes, I would vote for them. Likewise many of the Democratic proposed rescissions make sense, and if we could cast individual votes on them, many would have my support.

Unfortunately, the Democratic rescission package, instead of focusing on pork barrel projects, continues their usual political games, and includes a $4 million dollar cut in the vital low-income home energy assistance program, that is so important to helping recession ridden New England get through each winter season. Let us have individual votes on these budget cuts, Mr. Speaker, so that we can separate the pork from the prime programs that have worked so well for so many in need of our assistance.

INTRODUCTION OF TELECOMMUTING ACT OF 1992

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

Mr. MCMILLEN of Maryland. Mr. Speaker, yesterday, I introduced the Telecommuting Act of 1992. This bill will create an Office of Telecommuting in NTIA, and will provide funding for five telecommuting centers in the greater Washington, DC, area.

Generally speaking, telecommuting includes working out of the home or at satellite telecommuting offices, using computer modems, fax machines, telephones, and other technologies to tie the employee into his central place of work.

The immediate benefits include reductions in traffic congestion, fuel consumption, and air pollution, while enhancing productivity, lowering operating costs, and allowing more time to be spent with one's family.

Furthermore, the potential of telecommunicating for rural America is

staggering. By freeing the employee from working at a single specified site, and closing distances through technology, economic development is not bound by conventional means. This could breathe new life into rural America.

This bill is a necessary step in developing the use of telecommunicating locally and nationwide; it's an idea whose time has come.

INTRODUCTION OF BILL TO AMEND ENDANGERED SPECIES ACT

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

Mr. CHANDLER. Mr. Speaker, today I am introducing a bill to amend the Endangered Species Act. The purpose is to restore balance in this very important law and to put people, families, and communities, an equal footing with our very legitimate concern for the environment.

In the Pacific Northwest, we have seen thousands of working people, men and women, thrown out of their jobs because of the Endangered Species Act.

There is potential for much more hardship to come.

The Endangered Species Act is inflexible. It largely ignores economics. It requires recovery efforts, even when it does not make sense, and it has become a tool for radicals.

My bill is balanced. It also includes jobs and people in the equation. It is flexible and it is based not on radical notions of what we ought to do with the environment, but rather on common-sense concern for plants, animals, and people.

INTRODUCTION OF DEFENSE DIVERSIFICATION AND COMMUNITY ADJUSTMENT ACT OF 1992

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

Mr. GOODLING. Mr. Speaker, today, I am introducing the Defense Diversification and Community Adjustment Act of 1992 to help facilitate the diversification of defense-related business and assist dislocated defense workers. The changes in the former Soviet Union, Eastern Europe, and throughout the world, have forced Members of Congress and the President to reevaluate where the lines on defense spending will be drawn. There are Members of Congress who believe that all of the Defense moneys that we save should be spent on domestic needs. They call this the peace dividend. Frankly, I believe there is no peace dividend for a worker who is handed a pink slip because of a canceled contract or closed plant.

Mr. Speaker, I believe we need to utilize some of the projected savings to offset the hardships that businesses and workers involved in defense production will experience. This money would be better spent on these businesses and workers now, not later. If we continue to wait and address the need when these workers are unemployed, the economic and social costs will be extensive.

My legislation takes a two-track approach to help businesses and workers. It would enhance the Pentagon's Office of Economic Adjustment by adding a new Assistant Secretary of Defense to spearhead the defense conversion process. My bill would also expand the eligibility requirements of the Job Training Partnership Act to assist in the retraining of highly skilled defense workers.

Mr. Speaker, the legislation I introduced today attempts to improve upon many programs which we already have in place. I believe this approach will be the most cost effective and also provide relief to dislocated workers in a timely manner. We need to act now to provide an effective response to any future cuts in defense. We have to act responsibly and constructively for our communities, our businesses, and our workers to provide appropriate diversification and adjustment assistance. I urge my colleagues to examine the issues involved and to lend their support to this urgently needed legislation.

REAPPOINTMENT OF MEMBERS TO BOARD OF TRUSTEES OF AMERICAN FOLKLIFE CENTER IN LIBRARY OF CONGRESS

The SPEAKER. Pursuant to the provisions of section 4(b) of Public Law 94-201, the Chair reappoints from private life the following members to the Board of Trustees of the American Folklife Center in the Library of Congress on the part of the House:

Mrs. Nina M. Archabal of St. Paul, MN; and

Mrs. Judith McCulloh of Champaign, IL.

PROVIDING FOR CONSIDERATION OF H.R. 4990, RESCINDING CERTAIN BUDGET AUTHORITY

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 447 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 447

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4990) rescinding certain budget authority, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the bill and against its consideration are hereby waived. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the bill shall be considered as having been read for amendment under the five-minute rule. The amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as having been adopted. No amendment to the bill shall be in order except the amendments printed in part 2 of the report of the Committee on Rules accompanying this resolution. Said amendments shall be considered in the order and manner specified in the report of the Committee on Rules, and shall be considered as having been read. Each shall be debatable for not to exceed thirty minutes, equally divided and controlled by the proponent and a member opposed thereto. Said amendments shall not be subject to amendment. All points of order against the amendments printed in the report of the Committee on Rules are hereby waived. If both amendments in part 2 of the report of the Committee on Rules are adopted, only the latter amendment which is adopted shall be considered as finally adopted and reported back to the House. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit which shall not contain instructions.

SEC. 2. The provisions of section 1017 of the Impoundment Control Act of 1974 shall not apply to a bill or joint resolution introduced with respect to any special message transmitted under section 1012 of that Act on March 10, 1992, March 20, 1992, or April 8, 1992.

POINT OF ORDER

Mr. SOLOMON. Mr. Speaker, I would respectfully make a point of order against the resolution on the grounds that it violates clause 4(b) of House rule XI, and I ask to be heard on my point of order.

The SPEAKER. The gentleman from New York is recognized.

Mr. SOLOMON. Mr. Speaker, House Resolution 447 provides in the last sentence of section 1:

and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit which——

And this is the point I wish to make—

which shall not contain instructions.

Mr. Speaker, the language prohibiting any instructions in the motion to recommit clearly violates clause 4(b) of House rule 11 which prohibits the Rules Committee from reporting "any rule or order which would prevent the motion to recommit from being made as provided in clause 4 of rule 16" of the rules that we live under in this House.

And clause 4 of rule 16 provides at the relevant part that—

After the previous question shall have been ordered on the passage of a bill or joint resolution one motion to recommit shall be in order, and the Speaker—you—shall give preference in recognition for such purpose to a Member who is opposed to the bill or joint resolution.

Mr. Speaker, I will not take your time or the time of this House to re-

count the detailed history of these two rules and the precedents behind them. I have previously given that to you and to the Members of this House in the form of a 48-page, documented historical report, which you have, so I will not bother repeating it.

Suffice to say, prior to 1909, the House already had a motion to recommit, with or without instructions, contained in at that time rule 17. Clauses 4 of rule 11 and 16 were added to the rules by a minority party member, a Democrat from New York, my State, to give the minority a right to get a last vote on its proposition through recommittal instructions.

That is clear from the author of that amendment to the rules and numerous Speakers upholding that right in the following years.

The key phrase in clause 4(b) of rule XI is "as provided in clause 4 of rule 16," since what was being provided for in that new rule was the right of the minority to offer a final amendment in the form of instructions.

□ 1050

If the Speaker will consider logic alone, for the majority to dictate in a rule such as this what form the motion to recommit should take—in this case only a straight motion to recommit—is to truly deny the opponent of the bill recognized under the rule, a motion of his or her choosing. This now becomes a majority motion, and not a minority motion.

And that is what is happening here today.

When I previously raised similar points of order, the Chair has referred to a 1934 ruling of Speaker Rainey that the Rules Committee need only allow for a straight motion to recommit to satisfy that rule.

And as I previously argued, Mr. Speaker, and argue again today, that ruling, and all subsequent rulings of this and previous Speakers which relied on it, were wrongly decided.

And any logical person would come to that conclusion.

To limit the minority to a straight motion to recommit, to deny it the original intent of the rule, guts that right and nullifies the original intent of the rule. There is no longer a need for two motions to recommit under our rules.

It was my understanding that the Speaker was at least willing to consider that ruling and had agreed to have the Rules Committee—that I serve on—look into the matter further. Ironically, that long-promised hearing was held just yesterday, the very same day that this rule, this unfair rule depriving the minority, was reported. The Rules Committee has not yet issued a final report on its study, and yet here we are again today being denied our traditional right to offer instructions. We are being disenfranchised.

Mr. Speaker, instead of quoting Speaker Gillett or any number of other Speakers who have upheld our rights, or your rights if you were in the minority, to offer instructions in the past, let me close by quoting to you from Thomas Jefferson in his Manual, which is still a part of our rules. He said: "So far the maxim is certainly true and is founded in good sense, that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons, the only weapon by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceedings which have been adopted as they were found necessary from time to time, and are become the law of the House," the law of the House, "by a strict adherence to which the weaker party can only be protected from those irregularities and abuses," and I will repeat those words, "be protected from those irregularities and abuses which these forms were intended to check," and have been intended to check for over 200 years in this House, "and which the wantonness of power is but too often apt to suggest to large and successful majorities," which you have the privilege of having 101 more Members than we have on this side.

Mr. Speaker, the rule before us strips the minority of all of its rights and does not allow us to offer even one amendment which we had requested—not in the Committee of the Whole and not in the motion to recommit. This is exactly the kind of example against which Jefferson warned us in which the minority has been stripped of the only weapon and protections we have to defend against attempts by those in power, and I will repeat again, "irregularities and abuses," which in recent years seems to be the norm around here and is one of the reasons I am ashamed to say that this House is held in such low esteem by the American people. Ten percent approval or something like that in the latest polls.

If you take away this last ounce of protection that the minority has under our rules to offer even one amendment, even one amendment through the motion to recommit, you have rendered us helpless and you have rendered the value of any rules in this House absolutely meaningless.

Now, Mr. Speaker, you are the Speaker of this House, you represent the majority, and as you should because you are a Member of that party, but you also have an obligation, a constitutional obligation, to represent the minority as well, and I strongly urge you to take a courageous step, Mr. Speaker—we have great respect for you—and to rule in our favor under this point of order. It means a lot to the American people, and it certainly means a lot to minority interests around this country.

Thank you, Mr. Speaker. I am sorry to have taken so much time.

Mr. DERRICK. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER. The Chair recognizes the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Speaker, the gentleman from New York makes the point of order that the rule limits the motion to recommit and, therefore, according to the minority, the rule violates clause 4(b) of rule XI.

Mr. Speaker, I respectfully disagree. Rule XI prohibits the Rules Committee from reporting a rule that: "Would prevent the motion to recommit from being made as provided in clause 4 of rule XVI."

Clause 4 of rule XVI addresses the simple motion to recommit a bill or joint resolution and requires the Speaker to give preference in recognition to a Member of the minority who is opposed to the measure. Nowhere are instructions mentioned.

The Rules Committee, therefore, may report a rule that limits but does not prohibit the motion to recommit—without violating clause 4(b) of rule XI.

Mr. Speaker, so long as a simple motion to recommit can be offered, a rule does not "prevent the motion to recommit from being made as provided in clause 4 of rule XVI." This is a well-established parliamentary point since Speaker Rainey's decision in 1934.

In fact, Mr. Speaker, the parliamentary point was reaffirmed by recent rulings of the Chair on October 16, 1990, on June 4, 1991, on November 25, 1991, and on February 26, 1992. On those occasions certain Members sought to appeal the ruling of the Chair. The House then voted, on each occasion, to sustain the ruling by tabling the appeal. The House thereby strengthened the precedents in this interpretation of the rule.

Without an intervening change in the rule, there can be no question of the interpretation. Mr. Speaker, the precedents are clear and unequivocal. Moreover, the House has spoken on several recent occasions to reaffirm this position. I urge the point of order be overruled.

Mr. SOLOMON. Mr. Speaker, might I be heard in rebuttal?

The SPEAKER. The gentleman from New York is recognized.

Mr. SOLOMON. Mr. Speaker, without taking up a great deal of the committee's time, Mr. BUTLER DERRICK of South Carolina has really made the argument that I made, that, yes, those decisions were made, they were unjust at the time, and certainly we have the right to turn it around the same as our U.S. Supreme Court has that right, and we ought to do it here today. I would urge you to rule in favor of our point of order, Mr. Speaker.

Mr. DERRICK. Mr. Speaker, the precedents are clear, dating from 1934,

from Speaker Rainey on forward, in a number of decisions that were made by this House in the last 2 years. Therefore, I would implore that the Speaker overrule.

The SPEAKER. The Chair is ready to rule.

The Chair notes that the gentleman from New York has pointed out that there have been repeated objections to rules which have not contained, as a matter of right, a motion to recommit with instructions, that the matter has been undertaken for review by the Committee on Rules, that a hearing has been held but a final study or report from the Committee on Rules has not yet been concluded.

Because of the pendency of such a review, but because of the lack of any other conclusion thereon which might recommend against the existing line of precedents, the Chair is constrained to rule, as he has ruled before, that under the precedents of October 16, 1990, and February 26, 1992, both of which the gentleman correctly points out stem from a precedent of January 11, 1934, by Speaker Rainey, the Chair is constrained to overrule the point of order.

Mr. SOLOMON. Mr. Speaker, you know of the great respect I have for you, and I am always constrained to ever appeal the ruling of the Chair because I personally think that you do try to be fair.

But, Mr. Speaker, this is unfair. We certainly are being deprived of our opportunity to even have a substitute of our own choosing, and because of that I just respectfully have to appeal the ruling of the Chair.

The SPEAKER. The gentleman from New York [Mr. SOLOMON] appeals the ruling of the Chair.

Mr. DERRICK. Mr. Speaker, I move to table the appeal of the ruling of the Speaker.

The SPEAKER. The question is on the motion to table the appeal of the ruling of the Chair offered by the gentleman from South Carolina [Mr. DERRICK].

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 253, nays 161, not voting 20, as follows:

[Roll No. 109]

YEAS—253

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates

NAYS—161

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Billrakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—20

AuCoin
Boxer
Byron
Campbell (CA)
Collins (IL)
Dannemeyer
Feighan
Flake
Holloway
Kolter
Lehman (FL)
Levine (CA)
Miller (WA)
Moakley
Pastor
Russo
Valentine
Waters
Weber
Yatron

□ 1123

The Clerk announced the following pairs:

On this vote:

Mr. Pastor for, with Mr. Holloway against.

Mrs. Collins of Illinois for, with Mr. Miller of Washington against.

Mr. OLIN changed his vote from "nay" to "yea."

So the motion to table the appeal of the ruling of the Chair was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. DERRICK. Mr. Speaker, House Resolution 447 is a modified rule-making in order the consideration of H.R. 4990, a bill to rescind certain budget authority for fiscal year 1992. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority mem-

ber of the Appropriations Committee. The rule waives all points of order against the bill and against its consideration.

The rule incorporates an amendment reported from the Appropriations Committee. This amendment approves the President's April 8 rescission proposal rescinding $144,000 for the Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

The rule makes in order two amendments printed in part 2 of the report of the Committee on Rules. Each amendment is debatable for 30 minutes, equally divided and controlled by the proponent and Member opposed, and is not subject to amendment. The rule waives all points of order against the amendments and provides that they will be considered under a "king-of-the-hill" procedure. Under king-of-the-hill, if more than one amendment in the nature of a substitute is adopted, only the last such amendment adopted shall be considered as finally adopted and reported back to the House.

The rule also provides for one motion to recommit without instructions. Finally the rule provides that section 1017 of the Impoundment Control Act of 1974 shall not apply to a bill or joint resolution introduced with respect to any special message transmitted under section 1012 of that act of March 10, March 20, or April 8, 1992.

Mr. Speaker, this rule will allow the House to consider H.R. 4990, a bill to rescind certain budget authority for fiscal year 1992. On March 10, March 20, and April 8 the President submitted to Congress a total of 99 individual rescission messages proposing to reduce fiscal year 1992 budget authority by $5.662 billion.

On April 29 the Appropriations Committee reported a rescission bill taking into consideration the President's proposals as well as numerous proposals developed by Members of the House.

It has generally been the practice of the Appropriations Committee to address rescissions in its annual appropriations or supplemental appropriations bills rather than reporting single purpose rescission bills. In this case, however, the committee decided the current situation justified the reporting of a rescission bill.

H.R. 4990 would rescind $5.804 billion in 1992 budget authority, which is $142 million more than the President proposed. Of the $5.804 billion rescinded by H.R. 4990, $2.57 billion was proposed, in whole or in part, by the President. The bill rescinds $123 million in foreign affairs appropriations as well as $20 million from the legislative branch.

Mr. Speaker, House Resolution 447 is a carefully crafted rule that will speed consideration of this important rescission legislation. I urge my colleagues to support the rule and the bill.

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

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

Mr. Speaker, I hope my colleagues back in their offices, as well as the press, listen up. I have seen some blatantly partisan slam-dunk rules here in this Chamber over the last 14 years, but this one shatters the backboard. This is a disgrace. Not since 1981 has the majority stooped to such chicanery as is evidenced by this rule.

My colleagues will recall that in 1981, in the debate on the reconciliation bill, the Democrat leadership and their minions on the Committee on Rules wrote the minority substitute for the minority by picking and choosing from those various amendments the minority had actually requested. On that occasion this House had the good sense to defeat the previous question and adopt a fair rule. Forty good Democrats came over and voted against that unfairness, remember? Many of those Members are still here.

Today we have the exact same situation. The minority is not being allowed even one amendment which we requested, not one. As a matter of fact, not even one Democrat is being allowed any amendment that was requested.

□ 1130

Instead, the majority has written a substitute for someone who is not specified in the report to accompany this resolution that sets up some kind of king-of-the-hill procedure between the Appropriations Committee bill as one substitute and one substitute offering the President's rescissions. In other words, we cannot vote on both of them together, only separately.

I would repeat for the benefit of my colleagues back in their offices that nobody on our side of the aisle or from the bipartisan "pork busters" group, made up of Democrats and Republicans, even asked for such a substitute. Instead, the requests made in the Rules Committee were to add further rescission amendments to the committee bill, not to substitute anything for it.

My colleagues, if those amendments had been allowed to be offered, the House would have a change to vote for $12.2 billion in rescissions instead of being confronted with voting for either a $5.8 billion committee substitute or a $5.7 billion substitute offered by an anonymous Member.

In the Rules Committee, we offered amendments to this rule to implement the requests of our leadership and to implement the requests of the bipartisan pork busters group. Every one of those motions was defeated, Mr. Speaker, on a party line vote.

I really wish Members would listen carefully to this because it really is a disgrace. We offered an open rule to allow any and all germane amendments. That is the process called for under the Budget Act for Presidential rescission bills. The Democrats voted to disenfranchise every single Member of this House and the 250 million Americans they represent. The Democrats voted to disregard the Budget Act's amendment procedures and to totally disregard the rules of this House.

Second, we offered a motion to delete the provision in section 2 of this rule that removes the expedited consideration of each of the President's rescission bills. Preserving that right is important if we are to give conferees on this bill some kind of an incentive to reach an agreement on a bill that the President can sign. Once again, the Democrats voted to violate this important provision of the Congressional Budget and Impoundment Control Act. They voted to violate the law and to violate the rules of this House.

Third, we moved to make in order the bipartisan pork busters amendment to add both the $5.4 billion in Presidential rescissions and $1.3 billion in rescissions from the pork busters bill to the committee bill, for a total savings of $12.2 billion. The Democrats on the Rules Committee voted to deny the House a chance to more than double the savings and reduce the deficit by that amount.

Do Members know what happened? Six Democrats, only six Democrats, after having turned off the lights on C-SPAN, shutting them off the air and kicking out the broadcast news media, voted in the dark to gag the other 429 Members of this House, preventing them from voting on these key issues that mean so much to the American people. That is right. That is what six Democrats did to the other 429 of us, including 260 or so of the Speaker's Members.

Fourth, we moved to allow the offering of an amendment to add $1.5 billion from the pork busters bill to the committee bill. Now what is so unreasonable about that? But the same six Democrats in the same darkness blocked that amendment from reaching the floor for a vote. We are not going to vote on it today because we cannot.

Fifth, we moved to make in order the $5.4 billion from the President's rescission packages that were not included in the committee bill. What do Members think happened? I am ashamed to even stand up here and say this, but these same six Democrats in the same blackout blocked any consideration of that vote. So Members cannot even represent their people back home.

Sixth and seventh, we moved to make in order two amendments that I filed with the committee for the second time this year, amendments to give the President of the United States of America line item veto rescission authority either on a permanent basis or as a pilot program for the coming 1993 budget. Both of these amendments were shot down in flames as well. By

whom? The same six Democrats who are afraid to let Members vote for the line-item veto on this floor because we all know what would happen. The American people want it, and this House would pass it, but six Democrats will not let it come to the floor.

Eighth, we moved to make in order amendments by Representative CARPER, a Democrat, and CHARLIE STENHOLM, a Democrat, to provide for expedited rescission procedures for the next 2 years, similar in concept to my line-item veto but watered down considerably. Still it is a strong step in the right direction. That Democrat amendment was rejected. By whom? The same six Democrats who are gagging the House.

Mr. Speaker, given this sequence of events, I know why the Rules Committee Democrats on Tuesday and again yesterday voted to deny my motions to televise our committee deliberations on this bill. They do not want the American people to see just how rotten things have gotten around here with this blatant demonstration of how the arrogance of power has corrupted this House.

The majority who runs this House still do not get it. They do not yet realize, despite all of the scandals that are taking place that have brought down contempt on this institution, just how bad things have become because of their 38-year control of this institution.

Mr. Speaker, anyone who pulls this kind of a stunt and votes for this rule does not deserve to be called a Democrat by a big D or a small d.

Mr. Speaker, I would ask my colleagues of both parties to step back for a minute, take a hard, objective look at this rule and do what is right. Do what is fair for the House and fair for the American people. Do what is right for the sake of fiscal sanity and responsibility around here. Let us at least give the House a chance to vote on these spending cuts, to vote individually on them, and to stand up and be counted.

Mr. Speaker, I urge Members to defeat the previous question so that we can make in order an amendment by the gentleman from Illinois [Mr. FAWELL], the cochairman of the "pork busters" task force, and the gentleman from Minnesota [Mr. PENNY], a Democrat, the cochairman of the same task force. Their amendment was properly filed with the Rules Committee and was requested in testimony before us yesterday. That amendment would eliminate this king-of-the-hill subterfuge nonsense in which the Democrats control all of the kings and their pawns, the American people. This rule is unconscionable. It is irresponsible on the part of this body.

And, Mr. Speaker, I want my colleagues to make no mistake about it. The previous question vote is a clear vote on whether Members want to at least give the House an opportunity to double the savings. Let me read this handout to Members. "Vote no on the previous question to allow an amendment to double the bill's savings and reduce the deficit." That is what Members are going to be voting on here in about 20 minutes. Put in those terms, my colleagues, as we face a $400 billion deficit, I think the choice is absolutely clear. We have got to vote down the previous question, and Members have to give this House a chance to work its will.

We are all good people. We have to stand up and be counted.

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

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume so that I might address a question to the gentleman from New York. I do not know the answer because I was not a part of the meeting. But it was my understanding, at least it was told to me that the gentleman from New York [Mr. SOLOMON] as a part of the leadership meeting from his party and our party, was given the opportunity to have a motion to recommit with instructions, and he turned that down. I have heard that, and I was just wondering if that was correct.

Mr. SOLOMON. If the gentleman will yield, absolutely not. I am a part of the leadership committee, and nothing of what you have mentioned was offered to us.

Mr. DERRICK. In the negotiating sessions between both parties? I am glad for the answer and thank the gentleman for answering the question.

Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, we have heard about the Magnificent Seven. Now we hear about the Marauding Six.

I am going to support the rule, and I am going to support the Democrat version of the cuts for the following reason, and I am going to talk about conscience: President Bush would cut Pentagon procurement $3.8 billion. President Bush would cut the Seawolf submarines $2.7 billion. He would also cut R&D $7.5 million, military construction $136 million.

□ 1140

President Bush would not stop there. He would cut domestic programs $721 million including $596 million for housing, $24 million for the National Park Service, $25 million from health services; he would cut NASA, he would cut EPA.

Ladies and gentlemen, the President of the United States is prepared to cut everything from toilet paper to submarines in America, but there is not one penny of cuts in foreign aid. There is not one dime in the President's cuts for international economic assistance or international military financing or international education and training. All of the cuts are for America.

Let me say this to the Members of Congress: If you do not stand here today with the Democrat version, then you should either retire or be defeated, because the country does not need those Members. Let me tell you, there is no wonder why there are fires in Los Angeles. Every city in America is going to be on fire, because people are getting tired of seeing the money go overseas and then cutting the opportunities for the American people and the American worker.

Let me say this: There can be no life, liberty, and pursuit of happiness without a damn job, and this is another example of it, folks. Whack out America, but do not touch those sacred cows overseas. I think that says it all.

I appreciate the time.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I rise in support of the rule and the underlying appropriations rescission measure, H.R. 4990. This bill rescinds—cancels—over $5.8 billion in previously appropriated fiscal year 1992 spending. This is nearly $142 million more than recommended by the President. Of the amount rescinded by the bill, $4.95 billion is from military spending accounts, $123.8 million is from international affairs accounts, and $734 million is from domestic discretionary programs.

I commend the Appropriations Committee for their product, which is a solid step toward reducing the Federal budget deficit. Some of us would have preferred a larger rescission package and were prepared to offer amendments to H.R. 4990 to cancel additional fiscal year 1992 appropriations, but those amendments were not made in order. While I am disappointed that the Rules Committee would not grant an open rule allowing my amendments to be offered, we clearly are casting today one of the most important deficit reduction votes of the year.

The rule does allow a vote on the President's March 10, March 20, and April 8 rescission proposals. It is only fair that the President be allowed a floor vote on these measures.

For the last 2 fiscal years, Congressman HARRIS FAWELL and I have spent countless days pouring over appropriations bills, attempting to identify and then disclose wasteful spending projects. The product of that work has been 2 pork busters bills. This year's pork busters' effort, H.R. 4315, would rescind spending for 640 projects totaling over $1.5 billion. Many of those projects, colleagues, were in both President Bush's rescission messages and the reported committee bill cur-

rently before the House. And I certainly have every expectation that additional rescissions will be presented to the House in the coming weeks for floor votes. I have been assured by the leadership that on one of the next rescission bills we will have an opportunity to offer, as an amendment, our pork buster proposals. The President, for his part, has indicated he will continue to send rescissions to the Congress, and the Appropriations Committee, to their credit, will consider those and present their recommendations to the House. While some would prefer a different process, I favor any process that results in the elimination of unnecessary and wasteful Federal spending.

And let's not kid ourselves, our deficit problem is only getting worse. The 1992 deficit is estimated to exceed $416 billion; the national debt will top $4.080 trillion next year.

What does that kind of debt mean? A $4 trillion-plus debt means that every American owes some financier somewhere in the world $16,063, and just the interest on the 1992 deficit will add an additional $1,159 to the per-capita debt burden of every American. This level of debt means a smaller pool of potential wealth for future generations, and it means, simply, that our children and grandchildren will not enjoy the same standard of living we do today.

Fundamentally, the deficit is a moral question. It is my view that we should use the opportunity provided by H.R. 4990—and any other that may come along in the next few months—to reduce the Nation's dependence on borrowed money.

I again commend the Appropriations Committee for their good work and urge support for H.R. 4990.

Mr. SOLOMON. Mr. Speaker, we have just heard from one of the cochairs of the pork busters task force.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. FAWELL], the other member of this committee who has done yeoman work on trying to get spending under control in this House.

Mr. FAWELL. Mr. Speaker, I am very much disappointed with this rule because, after months of bipartisan work by the pork busters group, every additional cut which the gentleman from Minnesota [Mr. PENNY] just referred to in that spending which the pork busters, in working with the administration, had tried to add to the appropriation rescission package was just summarily turned down by the Committee on Rules.

Our key amendment which we had worked on for so very long would add $6.6 billion for consideration on the floor of this House. Nobody can guarantee what the House might do, but we just asked for the consideration of the $6.6 billion in spending cuts to be added to the $5.8 billion in spending cuts by the Committee on Appropriations in what I felt was a good-faith effort by the Committee on Appropriations. That would be $12.4 billion in reduced low-priority spending.

Those additional cuts represent the balance of $5.3 billion in Presidential spending rescissions for March 10 and March 20 and April 9 that we presented to the Committee on Rules which were not included in the appropriation bill rescissions, and we included $1.3 billion in spending rescissions contained in the pork busters rescission bill of 1992—H.R. 4315. These additional spending cuts would have made the total spending rescissions to be considered today, as I have indicated, $12.4 billion in what is being presented to us in H.R. 4990, rather than the $5.8 billion of rescissions contained in that bill.

But the House is denied the right to even consider adding such spending cuts, and I do not understand that. We should be working toward bipartisanship, working together on this tremendously important question of debt and deficit.

The rule violates, too, the Budget Act of 1974 by killing the President's line-item-rescission right, and every Member's right in this body to rise and sponsor and cosponsor these rescission bills and to offer a privileged motion with only one-fifth of the Members voting for it. That is all killed and obliterated.

The President's part that he has to play, statutorily guaranteed to him, is just done away with. Once again, Congress says, "We do not have to abide by the laws we pass. We can just ignore them anytime that we want to."

Thus, you know, we are going to be voting today on whether or not we want $120,000 for studying the disposal of animal manure, $200,000 for Vidalia onion research. I could go on and on and on.

I support the Committee on Appropriations bill, as I said, as a first step toward cutting spending, but it seems to me the Committee on Rules does not want to support anything other than what the appropriators have passed upon.

And this is so important: This should not be an either/or choice between $7.9 billion in Presidential rescissions and $5.8 billion in Committee on Appropriations rescissions.

The pork busters did not ask for this kind of a choice. The membership of this House did not ask for this kind of a choice, nor did the administration ask for this choice.

□ 1150

The pork busters' view is that they do not in fact basically object to what the Appropriations Committee has suggested and given to them, nor do the taxpayers of this country ask for that kind of a "Sophie's choice". They do not want partisan wrangling. They want bipartisan agreement on cutting as much unnecessary spending as is possible, and that is precisely what we sought in in offering our bipartisan package of $12.4 billion in cuts to be considered.

No, only the leadership of the majority and its official arm, the Rules Committee, and not many of them were there to listen to our story which was blanked out from TV coverage, dictated this slick "Sophie's choice" of the twin rescissions of the President and of the House Appropriations Committee.

Take your pick, the majority's choice of $5.8 billion in rescissions, or slightly less than that were the President's March 10, March 20 and April 8 rescissions, and only those, because if you added more, the President's rescissions would have been greater than the Appropriations Committee rescissions, and heavens, we do not want that. You have to take one or the other; but of course, you cannot take both.

I mean, this is like a mother having to decide which twin she has to give up.

We ought to be working together. We ought to be complementing each other for this kind of rescission.

In addition, under this rule, with a king of the Hill arrangement, a Member can get credit for voting for both of these twin rescissions presented by the President and the Appropriations Committee, secure in the knowledge that the "Sophie's choice" provision combined with a "king of the Hill" provision will kill the President's spending cuts. The President does not have any chance whatsoever. I think that kind of Machiavellian talents which the Rules Committee is exhibiting is not wise.

Whatever the Rules Committee is, it certainly does not lack Machiavellian talents, when anyone outside the Appropriations Committee messes around with spending cuts. That is only for the Appropriations Committee.

Make no mistake about it. Anyone who votes for this rule is voting against the House having a chance—a chance to add $6.6 billion of spending cuts to what the Appropriations Committee has suggested. It is that simple. We do not even have a motion to recommit, for instance, where we could take these three amendments and we could have that as the question being submitted to the committee. We cannot even do that.

The tax groups in this country are looking at this vote on this rule. It is the only significant vote we have before us today in regard to these rescission packages.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I agree with the gentleman who spoke before me, in

the sense that I think this is the most important vote we will take today. I am very pleased to support this rule, because I think it has been fashioned in a way that makes very clear the stark contrast in the way we go about handling rescissions.

There really is an untold story in this area. Many people focus all their attention in terms of cutting spending in the Federal sector on the discretionary appropriations, usually domestic appropriations, which are handled by the Appropriations Committee. I think we all know that to do this is to not look in the right places.

When I came to Congress 14 years ago, 28 percent of our budget was consumed with those annual discretionary appropriations. Today it is 14 percent.

Domestic appropriations have not been contributing to the problems of deficit spending and the additional burgeoning debt of this country. In fact, it is the only area of the budget that has been held in check. Part of the reason for that is that the response to the rescission package which you see here today is consistent with those that have been rendered to those submitted to us since the impoundment of President Nixon was countermanded by the enactment of the Budget Procedures Act back in 1974.

Since 1981, when President Reagan was elected, and we more clearly focused on this area of debate between the executive and the legislative branch, Congress has rescinded $54.7 billion, more than the amounts requested by Presidents Reagan and Bush.

This year we have in this first of probably three rescission packages exceeded the request of the administration by $142 million according to the GAO.

I say we will be back to this floor another time or two, because additional rescission messages have been or will be sent up.

The gentleman from Minnesota [Mr. PENNY] alluded to the fact that his group, the so-called pork busters group, will have a number of proposals made to the committee and we will consider them in the context of marking up the next and probably still the third round of budget reductions through the rescission process, and that is as it should be; but the Congress should set priorities in spending as long as it is responsible enough to deal with the general need that we can agree with the executive about, and that is to reduce spending wherever we can find waste, wherever we can find unworthy projects.

You know, the Congress has been typified as the big spenders, the root of all fiscal evil. The fact is very, very different. Since 1945, the end of the Second World War, during the entire cold war period, Congress actually appropriated $188 billion less than what was requested by the 10 Presidents who served during that period. We did not exceed the Executive's requests. We were short of them.

During the last 12 years, we come in below the requests of Presidents Reagan and Bush.

The Congress has done its job and it continues to do it here today. I hope we will adopt the rule and pass this rescission and prepare to study further to find additional savings that we will be required to make before the end of this session.

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

Mr. Speaker, with all due respect to the gentleman in the well who just spoke, and I have great respect for him, let me just read what a nonpartisan group thinks about what Congress has done with these rescissions. This is what the Citizens for a Sound Economy, a very respected think tank, says:

> Over the recent past, the record of Congress' fiscal responsibility has continued to sag. In the last five years Congress has approved only 0.01 percent of all rescissions submitted, which represents about a half inch gain on a hundred yard football field.

Now, you can say what you want, I can say what I want. This is a nonpartisan group speaking the truth.

Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Speaker, I rise today in opposition to the rule.

The American people are sick and tired of politics as usual in Washington. At every town meeting I have held, and I have held a number of them lately, people ask me, "When will Congress get serious about cutting unnecessary Government spending?"

I ask you the same question. When will this body get serious about cutting unnecessary Government spending?

Congress has sown the seeds for economic disaster in this country by spending over $3 trillion it does not have. As a result, we are paying nearly $300 billion on interest on the debt alone, destroying American jobs and destroying American competitiveness.

Peter Grace, the very respected chairman of the Grace Commission and founder of Citizens Against Government Waste, predicts that by the year 2000, Federal interest payments alone will consume all Federal income tax revenues. In other words, our children and our grandchildren will be paying off tomorrow what Congress spends today.

So I ask you, when will Congress get serious about cutting unnecessary Government spending? How many more jobs must be lost before Congress passes a balanced budget amendment? How many dollars need to be squandered before Congress gives the President the line-item veto? How much longer must the American people wait before Congress gets serious about cutting Government waste?

As Senator RUDMAN said recently, "We don't have much time left."

The clock is ticking. It is time Congress cuts the pork. It is time Congress listens to the pork busters and at least considers the $12.2 billion in proposed rescissions.

Mr. Speaker, I urge the Members to vote for fiscal responsibility. Vote against this rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the distinguished gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, today I am going to quietly oppose this rule. I say quietly because I commend the Appropriations Committee for the job that they have done on this rule, but all of us know we have not gone far enough.

I, too, appeared before the Rules Committee and would have liked very much to have seen the modified rescission order process considered on the floor today. I am disappointed that it is not.

But, Mr. Speaker, I do believe that this House should and will consider in the regular legislative process this procedure.

Just as the gentleman from Minnesota [Mr. PENNY] spoke a moment ago, we all know that we are going to be back on this floor within a few weeks with some other additional very tough decisions.

□ 1200

The pork busters have got a good idea. I commend the gentleman from Illinois [Mr. FAWELL] and the gentleman from Minnesota [Mr. PENNY] for the ideas and hard work they have put in to send a message to this body and through this body to the people that business as usual is not going to be tolerated.

You know, I get a little impatient sometimes with the criticisms that those of us who support the balanced-budget amendment are receiving from certain quarters, and I will quote the Washington Post that criticizes this as a gimmick. It is not a gimmick, it is not a gimmick. It is interesting that the same Washington Post, when we had the firewalls vote in here, which was a first step toward meaningful, tough decisions, they editorialized against that too.

You know, we have got some other tough decisions. I take this time on this rule, hopefully, to gain the support of a majority of my colleagues on both sides of the House when we consider committee funding; please do not bring a rule to this House that calls for an increase in funding for this branch of the Government because if you do, I will not quietly oppose it, and I believe the overwhelming majority of the Members of this body will not quietly

oppose it. And when we begin to look at the budget conference that we are going into today, and the conferees were appointed, please let us understand, colleagues, that in this body this budget that we passed we call for a 5-percent cut from freeze in the legislative and executive branches of Government. The Senate called for a 25-percent cut. In the spirit of compromise, somewhere in between would be a good, solid, loud statement for this body to make to the American people that we are serious and that we are about to make some of those tough decisions.

So, today I quietly will vote against this rule, but I am saying this, I believe, on behalf of a large number of my colleagues on both sides of the aisle, that we understand business as usual is over. We have a $4 trillion debt, $400 billion this year, $352 billion next year. The balanced-budget amendment, constitutional amendment is a serious effort, and I hope that we will start today by passing this rescission and immediately set in stage those other necessary rescissions, including those day-to-day rescissions, like legislative funding, like the budget conference, and some of the other tough decisions that we are going to have to make to show that we truly are serious.

Mr. DERRICK. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from South Carolina [Mr. DERRICK] has 14½ minutes remaining, the gentleman from New York [Mr. SOLOMON] has 12 minutes remaining.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. I thank the gentleman for yielding.

Mr. Speaker, I regret that I am unable to vote for this rule today. And as Mr. STENHOLM, I will quietly oppose it.

I am pleased that we will have the opportunity to vote on the rescissions presented to us by the appropriations bill, rather the Appropriations Committee. I think for the most part they have done a very good job.

I am pleased we will have the opportunity to vote up or down on the rescissions proposed by the administration as well. I think that is how the process should work. I think when the President offers a rescission, a package of rescissions, we should have to vote on them.

In the last Congress, a number of us, Representative JOHNSON of South Dakota, Representative PATTERSON of South Carolina, the gentleman from Kansas, Mr. GLICKMAN, several of our Republican colleagues, Mr. ARMEY and Mrs. Martin, worked together to try to craft some change in the way that we approach the matter of rescissions. We had hoped to offer today an amendment that would incorporate somewhat, I think, our modest but, I think good, changes to the rescission process.

Here is basically how we think the process should work: We would like to take a 2-year test drive, something like enhanced or expedited rescission power, some call it statutory line item veto power. But it is just for 2 years. In the 103d Congress, 1993 and 1994, when the President signs an appropriation bill, he would send or could send a message to the Congress outlining the rescissions he would like to make, the cuts in that appropriation bill, to be introduced as legislation here, to affirm or approve those rescissions. We in the House of Representatives would have 10 days to vote on it, 10 days of continuous session to actually vote on that measure. We could vote it down, we could vote it down with a simple majority vote. But we would have to vote on it.

If you pass it and it goes to the Senate, then they would have, again, roughly 10 days to consider it. If they vote it down—they could vote it down, but they would have to consider it.

We tried to target in our proposal the major thrust of rescissions on unauthorized programs. To the extent that the President wants to rescind funding for programs that are not authorized, he would not be restricted. He could rescind up to 100 percent of funding for unauthorized programs.

To the extent that programs are fully authorized, the President could take the funding down to the freeze level that prevailed for the previous year. For newly authorized programs the President, under our proposal, could rescind up to 25 percent of the appropriated amount.

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

Mr. CARPER. Mr. Speaker, I yield to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. I thank the gentleman for yielding.

Mr. Speaker, I simply want to commend the gentleman for the work that he is doing because I think it is efforts such as he is pioneering in regard to enhanced Presidential rescission power that will enable us all to get the job done, and we all so very much want to make some types of gains in regard to the tremendous debt and deficit.

So I simply want to commend the gentleman for his ideas and the concepts that he is espousing.

Mr. CARPER. I thank the gentleman. I regret we were unable to vote on the amendment Mr. PENNY was prepared to offer today. But it is my hope and expectation that we will have a chance to revisit that when we do address the issue of rescissions down the line.

Let me just close by saying one of my complaints or discomforts with today's vote is we are lumping together Seawolf submarines with section 8 housing. I would much prefer for us to be able to go appropriation bill by appropriation bill, and that would be part of our proposed changes.

My hope is that the next rescission that does come to the floor, that we will have the opportunity to consider as well the sorts of reforms we are working on on both sides of the aisle.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume before I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER]. Let me point out to the gentleman for whom I have great respect, the gentleman from Delaware, that if we defeat the previous question we will have the opportunity to vote individually on each one of these appropriation matters. That is the way the House ought to work.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

I certainly rise in support of the idea of defeating the previous question. Also, if that is not done and the rule is not amended, we should defeat the rule, because, Mr. Speaker, to paraphrase the poet, "Oh, what tangled web we weave when our objective is to deceive." That is what this rule is really all about.

This rule is about deceiving the American public into believing that we are doing something serious about cutting spending. That is why the Committee on Rules could not debate this issue in front of the TV cameras. The deception would have become all too apparent to the American people if they had actually had to go before the TV cameras and show the American people exactly what was going on and tell the American people what was exactly going on.

Now, the fact is that at least there are some Democrats who are willing to quietly recognize that the deception is contained in this rule. They know that the rule is designed to deceive the public. They know that the rule is designed to evade the law. They know that there is no credible defense for what this rule proposes to do.

I only wish that, instead of being quiet about it, they would shout from the rooftops about it because the fact is that we are going to need a coalition of people who are willing to stand up and be counted if we are going to get the budget deficits under control.

The Committee on Rules is not going to cooperate with anything that really cuts spending. They are showing us this time after time. The Rules Committee is in the control of the leadership of this House, and they are going to try to continue to spend every dime they can get their hands on. And when they cannot get their hands on any more money, they are willing to spend

deficit money and they are willing to spend $400 billion in deficits, they are willing to add to the $3 trillion debt. They are willing to have it go to a $4 trillion debt. And they are showing us that they are willing to do that in this rule today.

We ought to be mad, we ought to be shouting from the rooftops. We ought to be saying that this rule is unacceptable. We ought to be saying this rule should be turned down flatly. We ought to get on with the business of really cutting spending. Cut the spending the Appropriations Committee wants to cut, and then add the President's cuts to it.

The fact is what this rule does is denies us the opportunity to do that. We ought to get serious about cutting spending. We ought not go through these games of deception. I am sick and tired of rules coming to this floor that are simply designed to evade the rules, evade the law and to ultimately keep the American people from seeing real spending cuts.

Let us get mad, let us vote down this rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the rule. And I want to thank the Committee on Appropriations for their hard work on these rescissions whereby the House is going to be voting on $142 million more rescissions than what President Bush submitted. So the Congress has different priorities clearly than what President Bush submitted, but that is part of the give and take of our democratic process.

I think we can hold our heads high. In fact, in cutting the budget $142 million more than was requested by President Bush and in fact I think over a period of time since 1974 Congress has rescinded around $2 billion more than has been requested by Presidents over that period of time. So I think those are the figures. But I do want to go on, if I may finish my statement and if I have time remaining, I will certainly yield to the gentleman.

But I think what we are in need of, however, is modifications in institutional mechanisms for dealing with rescissions. That is one of my key concerns and why I come to the floor today.

I have joined with the gentleman from Delaware [Mr. CARPER], the gentlewoman from South Carolina [Mrs. PATTERSON] and others in promoting an enhanced line item rescission idea.

□ 1210

Mr. Speaker, I oppose a line item veto. A two-thirds majority to override would simply grant enormous priority-making power to the executive branch, would allow the executive to virtually extort votes from Members of the House. But, on the other hand, I think that there is unjustified spending that goes on in the House, and we need a mechanism that allows more accountability, that automatically requires a vote from Members of Congress, and that is what our rescission legislation would do. It does not shift the balance of power between legislative and executive, does not change the balance that the founders of this Republic envisioned, but yet, at the same time, would require every Member of Congress to go home and say, "Yes, I voted for this," or, "I voted against this." They cannot go home with the excuse, "Well, this legislation, this spending, was in a larger bill that had to pass."

Mr. Speaker, this would require more accountability, and I think that that is a fair and reasonable reform. I think it is something to get at individual spending items.

Mr. SOLOMON. Mr. Speaker, in yielding 1 minute to the gentleman from California [Mr. PACKARD], I will say to the gentleman from South Dakota [Mr. JOHNSON] that we offered his and the gentleman from Delaware's [Mr. CARPER] amendment in the Rules Committee. It lost by a party line vote of 6 to 4. I wish it could have been on the floor, it was a step in the right direction.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Speaker, I rise to express my strong opposition to the rule and to urge my colleagues to vote against it.

I support the proposed cuts in the Appropriations Committee's bill, H.R. 4990. This bill singles out prime cuts of pork. My colleagues who are members of the bipartisan coalition "congressional pork busters," announced their support of this bill. The administration also indicated support for this bill.

As you know, the rule governs the way this House considers legislation. It was our intent to cut pork from the Federal budget. I believe this is not only an admirable intention, it is a necessary one: We face a $400 billion dollar deficit this year. However, this rule skewers this admirable intention and stifles free and open debate in this House. The Rules Committee has denied us any amendments.

Instead, this rule forces us to consider the President's $5.4 billion rescission package as a substitute. By making these rescissions a substitute to the bill, the rule ensures defeat of the amendment and defeat of the additional savings in the budget. It also denies the porkbusters the opportunity to bring their $1.3 billion in savings before the House for a vote.

The rule denies our intention to add our cuts to those cuts in H.R. 4990. And who ultimately loses when we are denied the chance to cut pork from the budget? The American people.

I urge my colleagues to vote no on the rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from South Carolina [Mrs. PATTERSON].

Mrs. PATTERSON. Mr. Speaker, I appreciate the gentleman from South Carolina [Mr. DERRICK] yielding this time to me.

I would like to thank the leadership for allowing us the vote on rescission today. I think it is an important vote. But I regret that our amendment for the enhanced rescission of line item veto authority was not given, and, for that reason, I will vote against the rule.

Let me just say to the Members of Congress and to those people who might be listening today; Since coming to Congress I have done all that I can to deal with the deficit. I have taken some tough votes to restrain spending to deal with that deficit. I've also had a bill introduced into each Congress since I've been here to reform the process. One of the sections of that bill calls for the enhanced line item veto rescission. I think it's something we must do, and do quickly, or this deficit is going to continue to grow. I won't have the opportunity today because my amendment, and the amendment of the gentleman from Delaware [Mr. CARPER], the gentleman from South Dakota [Mr. JOHNSON], the gentleman from Texas [Mr. STENHOLM], is not a part of this rule. But believe me. I will be back on this floor with that bill every opportunity I get because I think it's an important process that we must deal with as we deal with budget reform.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the renowned pork buster, the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding this time to me.

I ask my colleagues, "Do you ever wonder why the American people think we're unethical and slick politicians around here?" Well, today we have a perfect example. The President sent us a list of $5.7 billion in pork barrel spending cuts and asked us to vote on them. The people on the Committee on Appropriations did not want these cuts, so they cane up with cuts of their own. Well, that is OK. The more, the better, because spending is out of control.

However, Mr. Speaker, they will not allow the President's cuts to have a chance. Now how do they do this? They use a ruse procedure called king of the Hill, which means simply that the big spenders can vote. They can vote in favor of the President's cuts so they look good back home. But then, right

after that, they vote on another spending cut bill or amendment which rescinds the previous vote. They know full well when they vote for the $5.7 billion in spending cuts that the President proposes that it will be overridden by their next vote. So, they can vote for both of them, and go home and say, "I voted for all this pork busting," when in fact they know darn well they did not vote for the $5.7 billion the President just sent up here.

Is it any wonder the American people do not trust us because we use procedures like this, because we use ruses like this? We have a $400 billion deficit staring us in the face this year, a $4 trillion national debt, $350 billion in interest, and we continue to do this kind of gamesmanship up here.

This has got to end. We have to set priorities on spending. If we do not, our kids are going to have a terrible future, and it is going to be our fault.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman from South Carolina [Mr. DERRICK] for yielding this time to me.

Mr. Speaker, I rise, obviously, in support of the rule. The rule provides a procedure whereby we can in fact respond to the suggestions of the President as the legislative process was meant to work, and that is to say that we consider his proposals. In fact, in this instance we adopt a large number of his proposals. The legislature, through the Committee on Appropriations, then added to that and, in fact, exceeded the President's request. The gentleman from California [Mr. FAZIO], one of the chairmen of the Subcommittees on Appropriations, has put together from the GAO report an excellent analysis of our response to requests for rescissions where in fact over the years, since 1974, the Congress of the United States, acting responsibly and in its effort to keep contained Government spending, has rescinded more collectively than the Presidents have asked and in fact, of course, has rescinded more than President Bush and President Reagan have asked for.

The gentleman from Pennsylvania talked about the light of day. My colleagues know full well that this is nibbling at the margins at best, at very best. What is the problem as it relates to deficits annually and the national debt? The problem is that the President has not led. The President has submitted fiscal programs to this Congress, and we put them on the floor, my colleagues, in 1985, 1986, 1987, 1988 and this year. And on the President's side of the aisle, he got, in 1985, one vote for his plan for overall spending in America, fiscal priorities. We did not do it in 1986. In 1987 he got 12 votes from his side of the aisle; in 1988, 27; and this year, approximately one-fourth of the Members of his party.

This is nibbling at the margins. The fact of the matter is the President is elected to lead this country and has not placed before the Congress of the United States a viable budgetary program, fiscal policies that his own party would support.

Now those are the figures. The gentleman from New York [Mr. SOLOMON] can rise and be outraged, but he cannot deny the numbers of his own party who supported the President's fiscal program.

Now I happen to believe that the gentleman from Delaware [Mr. CARPER], the gentleman from Texas [Mr. STENHOLM], the gentleman from South Carolina [Mr. DERRICK], and others are making positive contributions, and we are going to address those, and we ought to address those because this national debt and annual operating deficit will destroy our country and economy if we do not. But it is not on this bill or on these marginal, minuscule proposals that have been postured on as being meaningful.

□ 1220

The fiscal program and the lack of leadership has been why we are where we are today, and the numbers clearly reflect that every time the President's budget has been on this floor for support or lack of support by his own party.

In fact, of course, President Bush's first budget, the ranking member of the Committee on the Budget, after having said he was going to offer it, refused to offer it.

Mr. SOLOMON. Mr. Speaker, in all my years on this floor, I have never heard a more inaccurate statement.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. COX].

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

Mr. COX of California. I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Speaker, I thank the gentleman for yielding to me.

I simply wanted to point out an error in two of the speeches that were made on the other side of the aisle; inadvertently, I am sure.

They said that the Presidential rescissions were less than the rescissions of the appropriating committee. That is just not true.

The President has submitted $7.9 billion worth of rescissions, but what the Committee on Rules does is to chop off the $2.2 billion of rescissions of April 9. They took the April 8 one, put a magic line, because, of course, they did not want anyone to say that the President is rescinding more than the Committee on Appropriations.

I just wanted to make that very, very clear.

I also want to make it clear that in regard to the initiating rescissions by the Congress, that since 1974, the President has requested $63 billion worth of rescissions. Congress has responded with $19 billion. An awful lot of what they responded with was rescissions of spending that would not take place anyway. They continued to protect their pork, you see.

Mr. COX of California. Mr. Speaker, reclaiming my time, responding briefly to the remarks of my colleague from California, who has made the case that Congress has year after year behaved responsibly, we are going to have a $400 billion deficit this year. That is not responsible. Ignorance is not truth; war is not peace, and Congress has not been behaving responsibly.

I urge a "no" vote on this coverup rule. I urge it, among other things, in my capacity as cochairman of the congressional Grace caucus. I have just received a letter from the president of the Council for Citizens Against Government Waste, and they are going to make this vote on the coverup rule a key vote in their ratings.

I call this the coverup rule because its purpose is to prevent separate votes on the individual rescission proposals made by the President, despite the clear requirement of the law. This rule is going to lump all of the President's proposed cuts together, subtract some, put in others the Congress wants and generally obfuscate.

In other words, the purpose of the coverup rule is to permit Congress to perpetuate its gross, flaccid, and wasteful deficit spending. It is to permit Congress to protect the privileges and prerogatives of the ruling class that has spent so much of our tax money in secret and without votes, and it is going to allow the Congress to hide the dirty secrets of this fraternity of ill-repute, this animal house of runaway overdrawn checkbooks.

It is going to permit the Washington, DC, bureaucracy and, yes, this Congress to continue to grow fat while American's savings, investment in jobs continue to grow lean.

I said the law requires separate votes. The law we are talking about is title II of the United States Code, section 688. The rule permits one-fifth of the Members to demand individual votes. Section 2 of this rule purports to waive the law. That law governs the rights not only of this Congress but of the President.

It will not work. It is illegal. Congress is breaking the law. Let us not take this institution further into disrepute.

Mr. HEFNER. Mr. Speaker, I ask that the words of the gentleman be taken down earlier. Could we review the gentleman's words earlier.

He seemed to cast some disparity among this House that is absolutely out of context and out of order. Would the gentleman's words be taken down? I would like to review the words. I did not hear them all.

Mr. SOLOMON. Mr. Speaker, I demand regular order. I think this is in line, Mr. Speaker.

The SPEAKER pro tempore (Mr. McNULTY). The Chair rules that the demand is too late and the gentleman's time has expired.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I rise in very strong opposition because the rule turns this debate from how much and where to cut to who is going to get the credit. And it misses the opportunity for us to save $7 billion of identified waste.

Mr. Speaker, when I heard reports yesterday that the Rules Committee majority prohibited C–SPAN cameras from showing the American people the committee's deliberations, I was puzzled as to why, without warning, the Rules Committee was changing the rules. After seeing what the Rules Committee reported on this bill yesterday, I now know why they were so eager to keep the American people from seeing their work.

If you were still unsure about why the American people have so little faith in this House and believe that Congress is more interested in political gamesmanship than in economic common sense, just look at this rule. It's textbook congressional maneuvering, heavy-handed and bitingly partisan, and the American people will again be the losers.

The Rules Committee was presented with four amendments by the bipartisan pork busters group of which I am a member. Three of the amendments proposed additional rescissions—spending cuts over and above what the Appropriations Committee suggested, and the fourth enhanced the rescission process to pave the way for additional spending cuts. Please don't misunderstand—I do commend the Appropriations Committee on its rescission package, but I have to ask "Why stop there?" The cuts proposed by the President and the pork busters group were serious attempts to further reduce unnecessary Federal spending. However, the rules makes none of these amendments in order.

If these amendments had been allowed, Congress could be voting today on a total rescission package of over $12 billion—not enough to drastically reduce the budget deficit, but certainly a bigger step in that direction than the program we actually have on the floor. Only those rescissions offered by the Appropriations Committee are permitted under today's rule, with the President's rescissions relegated to substitute status. Mr. Chairman, cutting spending shouldn't be an either/or proposition. If the projects aren't necessary, they should be cut. Only in Washington does it seem to matter whether cutting vidalian onion storage or prickly pear research is the President's idea or one that originated with the Congress.

It appears that the majority has been successful in turning this debate away from how much and where to cut to who will get credit for the cuts. It doesn't matter to the American people where the cuts originate. They see a $400 billion deficit and rightfully demand action. What they are getting instead is more political bologna and yet another example of a Congress more interested in image than substance.

I strongly urge my colleagues to vote down this rule.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I thank the gentleman for yielding time to me.

I simply wanted to respond to some of the responses that we heard from the other side. We have had waved around reports of various so-called bipartisan organizations that portend more information than the General Accounting Office has.

The GAO says that since 1974, when this particular Budget Act was enacted into law, we have evidence that shows that Congress has rescinded $63 billion, which is $1.6 billion more than the various Presidents have proposed. There is no question about that. It is on the record.

We do not include those that have been submitted this year, which are being acted on as we speak and will be acted on during the next few weeks.

After all, the President has sent several messages to Congress, and we will have to deal with all of them in time. This is only the first of several.

It is fair to say that in this bill we have actually $142 million more than the President has proposed in his March 10, 20, and April 8 rescission messages. So we are doing the job we have been asked to do, despite all the attempts to obfuscate.

There is no questions about it, and the GAO has confirmed it, not some organization that has no basis in fact, that has a partisan agenda to implement.

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

Mr. FAZIO. I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Speaker, I know that the gentleman is a man of good will, and the only point I wanted to bring out, and I think I heard the gentleman correctly, is that no one disputes the fact that Congress goes ahead and initiates a lot of rescissions on their own. Many times it is part of the appropriations process.

Mr. FAZIO. Mr. Speaker, it is hardly noticed. It is hardly debated on this floor.

Mr. FAWELL. Mr. Speaker, if the gentleman will continue to yield, what we are pointing out here is that when the President tries to play his part, most, a high, high percentage of what he requests, is simply killed, ignored. And the Congress goes ahead and makes what rescissions they want to make.

Mr. FAZIO. Mr. Speaker, we have not ignored it. We have not always agreed to it. That is the traditional tension between both branches of Government. We set spending priorities and they rarely deviate in any fundamental way from the executive branch, only in the detail.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I would like to attest and put my name with the comments of the gentleman from California [Mr. COX]. He said it exactly like it is.

This rule is an attempt to deceive the American people.

My friend, the gentleman from California [Mr. FAZIO] said that we would like to look at unworthy spending projects, and we agreed. But if we block the good and the bad in one, it is an attempt to hide and deceive.

Democrats will go home and say, "I tried to cut spending," when they know it is total deception.

We spent 8 hours the other day looking at whether we are going to separate our bank accounts and make them visible. We can spend 8 hours on individual cutting.

My friend, the gentleman from Ohio [Mr. TRAFICANT] talked about how we blocked foreign aid, and there is no cuts in foreign aid. That is wrong also, because we blocked those countries of giving aid, that does the United States benefit, and lump them in with the ones that are bad and that are political votes. That is also wrong, just like this rule.

We need to support and vote for individual items. Do not deceive the American public.

□ 1230

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. ALLEN], someone we are going to miss very much.

Mr. ALLEN. Mr. Speaker, I rise in opposition to this rule, and if the gentleman from Maryland [Mr. HOYER] is sincere in realizing we need reform, this whole debate here on this rule is an example of why we need a constitutional amendment to require a balanced budget and to clearly give to the President the power that 43 Governors have, which is the line-item veto.

I have introduced a measure, House Resolution 447, which would clearly do that. I would ask the gentleman from Maryland to sign on as a cosponsor.

The vote on this rule is clearly a vote to waste an additional $5 billion on projects such as disposal of animal manure studies. I like Vidalia onions, but the producers of those can pay for the study of storage. We do not need research on prickly pear cactus. We do not need to spend $1½ million for a theater in New York City. These and many projects which were part of the President's rescission proposal are not in the committee bill. We are avoiding a straight up or down vote.

I would hope we would oppose this House rule, require a balanced budget

and a line-item veto, so we will avoid these sorts of charades being perpetrated on the American taxpayers in the future.

Mr. SOLOMON. Mr. Speaker, if the gentleman from South Carolina [Mr. DERRICK] only has one closing speaker, then I yield the balance of the time to the gentleman from California [Mr. DREIER], a distinguished member of the Committee on Rules, to close out our side.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from California is recognized for up 2 minutes.

Mr. DREIER of California. Mr. Speaker, as I listened to the remarks of the distinguished chairman of the Democratic caucus, the gentleman from Maryland [Mr. HOYER], he referred to the fact that this was nickeling at the margin, and I could not help but bring to mind that famous old line from the Senator from Illinois, Everett Dirksen, who said, "$1 billion here, $1 billion there, and before long you are talking about real money." So I think we should take the bold step that is necessary here.

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

Mr. DREIER of California. I yield to the gentleman from Missouri [Mr. HANCOCK].

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

I am thoroughly confused, as I am sure the American people are, Mr. Speaker. A question: Is it not true that for the past 38 years under the Democrat-controlled Congress that we had mandated spending programs which give the President no alternative but to ask for that money?

How do we propose to go about ever balancing the budget when the people that are screaming the loudest for the balancing of the budget, they want to balance the budget, from the President, but they never vote for budget decreases. They vote for more mandated spending, and then they criticize the President for not coming up with a balanced budget.

Mr. DREIER of California. Mr. Speaker, reclaiming my time, the gentleman makes a very good point. What we have done is, we have seen these kinds of programs imposed on the executive branch and then we criticize them for spending.

Let me say that we have another organization which is clearly bipartisan, not partisan, the National Taxpayers Union, which has criticized as many Members on this side of the aisle as they have on the other side of the aisle. This vote is going to be a test vote by the National Taxpayers Union.

Mr. Speaker, it is apparent that this is in fact a gag rule. It is a closed rule which is preventing us from having the opportunity to bring about the kinds of cuts which the President wants. If we had had C-SPAN upstairs in the Committee on Rues, the American people could see clearly what the majority is trying to do to us here. Tragically, they were shut out.

Mr. Speaker, I urge a no vote on the previous question so we can allow an amendment to double the bill's savings and reduce the deficit.

Mr. DERRICK. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I just want to make the point that the answer to the gentleman's question of what the President has to send down is no, the President is not mandated. The President can send down any budget proposal he determines to be appropriate, and notwithstanding the fact that for the last 12 years the Presidents have said they are for a balanced budget, they have not sent one.

Mr. DERRICK. Mr. Speaker, I am sure those on the floor, and certainly those watching this out in TV land must be thoroughly disgusted.

The rule that we have before us allows us to consider legislation that will save the American taxpayers almost $6 billion.

There are obviously different ways to go about saving this money.

In fairness, the Committee on Rules has made the President's rescission proposal in order so everyone will have an opportunity to decide, whether Republican or Democrat, how we want to save this money. But the thing that must remain uppermost in our minds is that we are going to save almost $6 billion of the American taxpayers' money. That is a tremendous achievement.

We can debate whether it was President Reagan's fault, President Bush's fault, or who else's fault it might have been. The fact of the matter is that we have a deficit in this country that is entirely too large. Although the President chose to blame the situation in Los Angeles on the policies of the Democratic administrations of the 1960's, I want to tell our brothers and sisters across the Hall that we are not going to blame the current recession on Herbert Hoover.

Mr. LAGOMARSINO. Mr. Speaker, I rise in strong opposition to the weakening rule under which the House must consider important and needed cuts in Federal spending.

I represent taxpayers who do not want to spend their hard-earned money on manure disposal in Michigan or onion storage in Georgia. My constituents do not want to buy local parking garages in Kentucky or arts and crafts centers in Florida.

I believe, and my constituents believe, that their Federal taxes should be spent on projects that are good for all Americans. My constituents' taxes should not be spent for other people's pet projects.

This rule is designed to weaken our efforts to curb the deficit. This rule will protect over $6.6 billion in pet work projects, including the ones I mentioned, from being added to the committee bill.

Clearly and simply, a vote for this rule is a vote for pork barrel spending at its worst.

I urge my colleagues to oppose this weakening rule and join me in fighting for stronger deficit reduction.

Mr. MCEWEN. Mr. Speaker, the liberal Democrat majority in this House has hit rock bottom, and the American people need to know just how sad things have gotten here in Congress after nearly five decades of one-party domination.

Yes, in order to save programs of vital national interest such as: A $120,000 study of the disposal of animal manure; $200,000 for Vidalia onion storage; $100,000 for mesquite and prickly pear research; $2.5 million to expand an arts center in Florida; $1 million to build a parking garage in Kentucky; the Democrat House leadership is willing to violate the 1974 Budget and Impoundment Act, and flagrantly abuse the rights of every House Member.

This rule is just another example of the disgraceful procedural gymnastics that the liberal Democrat leadership must undertake in order to achieve their intended results. The liberal Democrat leadership, founded on big government, high taxes, pork-barrel special projects, and the economic stagnation that they cause, wastes the taxpayer's money while passing the blame to everyone else.

Facing a budget deficit of nearly $400 billion, the President exercised his rights under the 1974 Budget Act and asked Congress to approve $5.7 billion in rescissions. In other words, he requested that $5.7 billion be trimmed from the Federal deficit.

Section 1017 of the 1974 Budget Act, the law of the land, a law this House should live by, permits the President's rescission requests to be brought to the House floor under special procedures. This rule, in the sad tradition of the liberal Democrat leadership, waives that law. Once again, Congress exempts itself from the little fiscal discipline that Federal budget laws embody.

In the spirit of fiscal responsibility that was initiated by the President's rescission requests, the Appropriations Committee came up with a list of cuts of their own. As is their heritage, they found even more money to cut than the President. They have a bill that cuts $5.8 billion—and I applaud that effort.

With a $400 billion deficit, that's $5.8 billion less that our children will be responsible for.

This should have been a great day for the House. If the House operated in a way that even approximated a fair democratic body, we would vote, up or down, on the appropriator's cuts. We would vote, up or down, to add the cuts that the President requested, but with which the appropriators did not agree. In the spirit of fiscal responsibility, we should even vote, up or down, on the additional cuts that the pork buster coalition has identified and requested.

But, of course, if we voted on each of those cuts, we might save more money than the liberal leadership would like. Therefore, using their absolute control over the Rules Committee, they crafted a rule to minimize the budget cuts.

They put together a rule that protects as many of these wasteful projects as possible, but will let the Democrat leadership come to

the floor and talk about how much they support fiscal responsibility. Their rule says we can make the President's cuts, or the committee's cuts, but never both. And by the way, don't even think about the pork busters cuts.

Those leadership words about fiscal responsibility, about cutting more than the President, ring hollow in the face of reality.

Today's charade is a classic example of why this House, run by the Democrats for five decades, does not work. This rule, like nearly every rule that comes out of the Rules Committee these days, is crafted to maximize political benefits for the Democrat leadership, and minimize benefits for our Nation.

The liberal leadership has their majority lined up to protect onion and manure research. They have some cuts to offer, because the President pushed them into a corner, and forced them to offer some cuts—but nothing more than the minimum.

Defeating this rule is the only vote that matters today. Defeating the rule will permit the House to vote on more program cuts. Some additional cuts may pass, some may fail, but for once this House would do its job, rather than pass on its responsibility.

Mr. Speaker, I only hope that the press and the American people see this exercise for what it really is, another effort by the liberal House leadership to avoid fiscal responsibility, save special pork projects, abuse House rules, and the law of the land, to confuse the issues enough to avoid responsibility for their actions. Vote "no" on this rule.

Mr. DERRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 257, nays 160, not voting 17, as follows:

[Roll No. 110]

YEAS—257

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Walsh
Washington
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates

NAYS—160

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Billirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Fish
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—17

AuCoin
Boxer
Brooks
Byron
Campbell (CA)
Dannemeyer
Flake
Kolter
Lehman (FL)
Levine (CA)
Moakley
Pastor
Staggers
Valentine
Waters
Weber
Yatron

□ 1258

Mr. EWING changed his vote from "yea" to "nay".

Mr. HUTTO changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the resolution.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Speaker, is it true that if this rule, this upcoming vote, is defeated, that we are done with our work for the day and the week?

POINT OF ORDER

Mr. DERRICK. Mr. Speaker, I make a point of order that that is not a parliamentary inquiry.

The SPEAKER pro tempore. The Chair is not now aware of the further schedule of the House for the day.

Mr. SOLOMON. Mr. Speaker, I could not hear what the Chair said.

The SPEAKER pro tempore. The Chair is not aware of the further schedule of the House for the day after this vote.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A record vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 178, not voting 16, as follows:

[Roll No. 111]

AYES—240

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Espy
Evans
Fascell
Fazio
Feighan
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Guarini
Hall (OH)
Hamilton
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hughes
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lent
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sikorski
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Walsh
Washington
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates

NOES—178

Allard
Allen
Armey
Atkins
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Carper
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox (CA)
Crane
Cunningham
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Erdreich
Ewing
Fawell
Fields
Fish
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (TX)
Jontz
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Olin
Orton
Oxley
Packard
Patterson
Paxon
Payne (VA)
Petri
Pickett
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sisisky
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Tanner
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—16

Archer
AuCoin
Boxer
Byron
Campbell (CA)
Dannemeyer
Flake
Kolter
Lehman (FL)
Levine (CA)
Moakley
Pastor
Valentine
Waters
Weber
Yatron

□ 1319

Mr. JACOBS changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON HOUSE RESOLUTION 452 PROVIDING FOR CONSIDERATION OF H.R. 4111, SMALL BUSINESS CREDIT CRUNCH RELIEF ACT OF 1992

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 102-515) on the resolution (H. Res. 452) providing for the consideration of H.R. 4111 to amend the Small Business Act to provide additional loan assistance to small businesses, and for other purposes which was referred to the House Calendar and ordered to be printed.

A COMPREHENSIVE TELECOMMUNICATIONS ANTITRUST POLICY

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

Mr. BROOKS. Mr. Speaker, today I am introducing the Antitrust Reform Act of 1992, a bill that will establish in law a sound and broad-based competition policy that will guide the country's telecommunications industry into the 21st century.

Unfortunately, in this most important of industries, we are witnessing the piecemeal unraveling of the 1982 AT&T consent decree, also known as the modification of final judgment, or MFJ. That decree was the culmination of 8 years of antitrust litigation by the Department of Justice against AT&T's telecommunications monopoly. Under the terms of the MFJ, AT&T agreed to divest its competitive local monopoly phone service, while retaining its long distance and manufacturing operations. The local divested Bell companies reorganized into seven regional Bell operating companies [RBOCs]. In addition, under the terms of the MFJ, the monopoly RBOC companies were prohibited from entering competitive lines of business—information services, telecommunications equipment manufacturing and long distance services. This restriction was intended to assure that the RBOCs did not unfairly exploit their monopoly position in local telephone service. The MFJ prohibitions were intended to continue until there was no substantial possibility the RBOC could use its monopoly power to impede competition in a given line of business.

Recently, the comprehensive competitive framework of the MFJ has come under assault. The U.S. Court of Appeals rejected, on procedural grounds, application of the decree's competitive entry test to the information services restriction and instructed U.S. District Court Judge Greene to apply an entry test that, in Judge Greene's view, all but mandated that he remove that restriction. His decision removing the restriction is now on appeal. Meanwhile, the Senate has passed legislation which would remove the decree's manufacturing restriction. These activities are occurring against a backdrop of lax agency oversight and deregulation.

The legislation I am introducing is based on the competitive principles of the MFJ and takes a properly balanced approach in dealing with the Nation's crucial telecommunications industry. The bill recognizes the capabilities of the RBOCs to make significant and innovative contributions to our Nation's technological development by permitting them to seek orderly entry into competitive lines of business on a phased basis over the next several years. RBOCs would be granted the flexibility to seek entry with regard to a particular product or geographic market within a competitive line of business, or with regard to a line of business in its entirety. Because of concerns expressed that the MFJ prevents RBOCs from participating in the research and development sphere or from adequately providing products and services to the disabled where no one else is able to, the bill authorizes the RBOCs to seek entry with regard to these activities immediately upon the bill's enactment.

My bill will ensure that the robust competition that has developed in the telecommunications industry under the MFJ is protected against monopoly abuse. The bill requires that prior to entry into a competitive line of business, the RBOC must establish that there is no substantial possibility that it could use its monopoly power to impede competition in the market for which entry is sought. This competitive entry test is based on the entry test that lies at the heart of the MFJ. The bill would apply this test comprehensively to all new market entries. However, in order to avoid disruption of previously sanctioned RBOC activities, the bill includes a savings clause for waivers previously issued under the MFJ's own competitive entry test, as well as for the activities of the RBOC's research consortium, Bellcore.

Once an RBOC has been allowed into a line of business, the antitrust laws would, of course, continue to apply. There would also be specific antitrust safeguards, based on the principles and administration of the MFJ, against anticompetitive discrimination and cross-subsidization, and against the RBOC's recombining. The bill also requires the RBOC's to advise their officers and management personnel of their obligations under the act—and requires the RBOC CEO—or other responsible officer—to annually certify compliance to the Attorney General. The bill's protections would be enforced by the full array of traditional antitrust remedies, including criminal penalties, civil enforcement by the Department of Justice and private rights of action for treble damages or injunctive relief.

This bill is being introduced following extensive hearings conducted by the Judiciary Committee's Subcommittee on Economic and Commercial Law during the 102d Congress. The subcommittee has received testimony from a wide range of interested parties, including the RBOC's, information service providers, equipment manufacturers, long distance companies, labor and consumer groups, and Federal and State regulators and law enforcement officials.

I urge all of my colleagues to work for swift passage of this important and timely legislation.

VACATING 5-MINUTE SPECIAL ORDER AND SUBSTITUTING 15-MINUTE SPECIAL ORDER ON MAY 12, 1992

Mrs. COLLINS of Illinois. Mr. Speaker, I ask unanimous consent to vacate my 5-minute special order on Tuesday, May 12, 1992, and in lieu thereof ask permission to address the House for 15 minutes during special orders at the appropriate time on May 12.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Speaker, I regret that I was unavoidably detained this morning and was not present for rollcall votes 108 on the approval of the Journal, and 109 to table the motion to appeal the Speaker's ruling. Had I been present, I would have voted "yes" on both votes.

RESCINDING CERTAIN BUDGET AUTHORITY

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to House Resolution 447 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4990.

□ 1320

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4990) rescinding certain budget authority, and for other purposes, with Mr. GLICKMAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes, and the gentleman from Indiana [Mr. MYERS] will be recognized for 30 minutes.

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

Mr. WHITTEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the House faces an unusual situation today—one which concerns us all as it does the people of the Nation.

What we bring you today is from our Committee on Appropriations which I have the honor to head. In the preparation of this bill and the report, of course, we have had the benefit of the counsel of all the members of the committee and the very fine staff of our committee. I present it on behalf of the committee today after discussions by our committee with leaders of various agencies of the executive branch and based on our experience of years of service on the Committee on Appropriations.

Mr. Chairman, it is through our appropriations bills that we make the public investments in roads, bridges, harbors, airports, science, education, research and development, law enforcement, housing, environmental protection, and many other important areas that will keep our country growing and prospering into the 21st century.

Last year the committee in 13 separate appropriations bills appropriated $728,655,000,000 in over 1,200 appropriations accounts to fund the agencies which carry out programs vital to the nation in every area of the country. In preparing for those bills, the committee took testimony from over 5,200 witnesses in 271 hearing days of testimony.

Each one of those bills was presented to the full committee by the appropriate subcommittee. The committee took action on the subcommittee recommendations and reported those bills to the House.

Those bills were then considered in the House. Amendments were offered, some were adopted, some were defeated. Each bill passed the House and went to the Senate. The Senate passed 12 of those bills, and we brought back conference reports on those 12 bills, and those conference reports were debated. Amendments in disagreement were debated, and identical conference agreements were adopted by the House and by the Senate.

The bills were presented to the President. Ten of those bills were signed. Two of the bills were vetoed because of abortion language. Bills with the objectionable language removed passed the House, passed the Senate, and were signed by the President. The President did not veto a single appropriations bill last year because of the total funding amount or because of changes in priority that the Congress made to his proposals.

Now, for whatever reason, the President has proposed rescissions of $5,663,000,000 in messages transmitted March 10, March 20, and April 8. The committee, as it has when rescission proposals have been proposed by the President ever since 1975, carefully considered those proposals and, through the subcommittee process—the same process that produced the appropriations bills that the President signed less than 6 months ago—agreed to rescind more than the President proposed.

The President says we need to reduce Federal spending in order to reduce the deficit.

Mr. Chairman, the deficit is not caused by your Committee on Appropriations. Since 1945, the committee has reduced the Presidents' budget requests by $188,800,000,000. Since 1975, we have rescinded $1,608,000,000 more than the Presidents have proposed to be rescinded.

Mr. Chairman, you can eliminate all domestic discretionary spending in fiscal year 1992, and you will not eliminate the deficit for fiscal year 1992. The only way the deficit will be reduced, in my opinion, is to increase productive employment in the United States and in the process expand the revenue base.

In the last 10 years, our trade deficit has increased by over a trillion dollars. I know it is growing less now than last year, and I am glad of that, but the fact is, the trade deficit is still growing.

America needs to produce more and export more. We need to regain our normal domestic and foreign markets.

We need to make investments in America, investments in assets—education, highways, rivers, harbors, in-

vestments that will improve access to markets; investments that will rebuild our deteriorating highways, our deteriorating water systems, our deteriorating public structures. Investments that will help us compete.

This investment will stimulate private investment, and we need to make sure that those private investments are made in America.

Mr. Chairman, we have considered the rescission proposals before the committee, agreed to many of them and added some of our own based on what the committee, through its subcommittees, knows about changing priorities in programs administered in the executive branch.

Changing priorities and conditions always result in a chance to make rescissions. We do this every year, normally in our regular bills.

Mr. Chairman, I want to thank my good friends, BILL NATCHER, NEAL SMITH, SID YATES, DAVE OBEY, ED ROYBAL, TOM BEVILL, JACK MURTHA, BOB TRAXLER, BILL LEHMAN, JULIAN DIXON, VIC FAZIO, BILL HEFNER—our fine subcommittee chairmen—JOE MCDADE, JOHN MYERS, LARRY COUGHLIN, RALPH REGULA, CARL PURSELL, MICKEY EDWARDS, BILL GREEN, JERRY LEWIS, HAL ROGERS, JOE SKEEN, FRANK WOLF, BILL LOWERY, and DEAN GALLO—our ranking Republicans—along with all our other fine committee members who have held the hearings to produce our bills over the years. Their assistance has also been invaluable in the preparation of the bill we are considering today.

Mr. Chairman, the reported bill before the House is the product of 11 subcommittees including two areas the President didn't propose—legislative branch and foreign operations.

The bill includes many rescissions recommended by the President as well as others initiated by the subcommittees to reflect other priorities.

The bill rescinds a total of $5,804,621,975 comprising $4,946,859,000 from military spending; $123,813,975 from international affairs; and $733,949,000 from domestic programs.

The committee can be proud of its performance.

Since 1945 the total of appropriations bills has been $188.8 billion below the totals requested by Presidents.

The total of the fiscal year 1992 appropriations bills was below the budget caps and the President's budget request. We were consistent with the budget ceiling and no sequester was necessary.

The bill reported by the committee rescinds $141,649,285 more than the President proposed to rescind in his March 10, March 20, and April 8 rescission messages, and in each subcommittee we met or exceeded the President's dollar figures.

Since 1974, excluding the messages under consideration and the action recommended in this bill, the Congress has rescinded $1,607,770,488 more than the various President's have proposed.

Since the rescission process began in 1974 and through March 9, 1992, the GAO has certified the following:

Rescissions proposed by President	918
Total amount proposed by President for rescission	$61,408,560,900
Number of proposals enacted by Congress	324
Total amount of proposals enacted by Congress	$19,311,454,366
Number of new rescissions initiated by Congress	370
Total amount of rescissions initiated by Congress	$43,704,877,022
Grand total:	
Number of rescissions enacted	694
Amount of rescissions enacted	$63,016,331,388
Amount rescinded in excess of Presidents requests	$1,607,770,488

The bill does not address the $2.2 billion of defense rescissions proposed by the President on April 9. In developing the bill, our subcommittees had to complete their work prior to the recess in order to meet our full committee markup schedule. This did not permit the April 9 messages to be considered in this bill. We understand additional rescission messages may be proposed. A subsequent rescission bill will be developed to handle this situation.

The rescission process prescribes that if, after 45 calendar days of continuous session, enactment of any proposed rescission has not occurred then the funding for the proposed rescission should be made available. The time for that occurrence is mid May for some, for the President's proposals that are in this bill. Based on past occurrences, when a rescission bill is moving through the last stages and 45 days have expired, obligations of proposed rescission funding by the executive branch does not occur immediately on the proposed rescissions expired on May 17, and yet the bill was not enacted into law until July 5. If enactment of this bill has not occurred by mid May, we would expect the impact of funding obligations on amounts in this bill to be minimal, as we continue to move the bill toward enactment.

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

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think all of us recognize and realize why we are here today. The American people are demanding that we reduce spending.

During the last several months the President has sent a number of messages to the Congress and to the House of Representatives, particularly the Committee on Appropriations, totaling 224 rescissions. The Appropriations Committee has reviewed those rescissions and has adopted some of them in this bill, but they also made some of their own after careful analysis of where we were on spending for 1992 and the outreach years of 1993 and 1994. The President's message totaled $5,662,673,690. This bill, the committee bill, totals $5,804,621,975, about $142 million more than the President's request. Of this the committee would rescind in that proposal by the President $2,570,636,000. In the President's request there would be that amount of money rescinded from his request. We added more than $3 billion of our own reductions. Of the total amount contained in this bill, $142 million of this would be larger than the President's, but within that approximately $4,950,000,000 would come from national defense and military construction. Of that amount is $50 billion the President has asked to be reduced in spending in the next 5 years from defense, and this is all part of that package. However, the President recommended the cancellation of the construction of two submarines, the Seawolf class, nuclear powered, attack submarines. The committee found that we had already purchased a lot of equipment to build the first submarine, and some even to build a second submarine. We found that the termination costs in closing out the Seawolf Program would run as much, and maybe even more, and we would have nothing to show for it.

Your committee has recommended that we continue construction of one Seawolf class submarine now under construction, and terminate the second one, which would be the third one in the inventory.

□ 1330

One hundred ten million in this bill would come from foreign aid. The President made no request for any cuts in foreign aid. Your committee felt that we could cut $110 million from foreign aid.

We also included a $20 million reduction in the legislative branch which the President, by the rule of comity, did not include. The $20 million would come from mailing costs.

The bill also contains about a $600 million reduction in housing programs, in the HUD rescissions.

Mr. Chairman, this is a good bill. We have had a lot of debate on the rule, considering that the selection of what programs to be canceled or terminated was different. I have been around here for a long time. The President and the Congress have never agreed on very many rescissions. We have ours and we include some of his in this bill.

I do think we have a bill, a bill I think every Member here could defend and should support.

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

Mr. NATCHER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, as you and the other members of the committee know, the

authority for the bill, H.R. 4990, the rescission bill, is provided for in the Congressional Budget and Impoundment Control Act of 1974.

President Bush proposed in his March 10, March 20, and April 8 messages 99 rescissions, totaling $5,662,973,000 within the jurisdiction of 9 of our 13 subcommittees.

When our chairman, the gentleman from Mississippi [Mr. WHITTEN], and the other chairmen of the subcommittees finished their sections of the bill, 11 of our subcommittees made recommendations for rescissions that are now in this bill.

A reduction of $5,804,622,000 was approved in the full committee. This, Mr. Chairman, is $141,694,000 more than the amount requested by President Bush. We approved 66 rescissions out of President Bush's 99 requests.

Mr. Chairman, this bill rescinds $4,947,000,000 from military spending. It rescinds $123,814,000 from international affairs, and $733,949,000 from domestic programs.

As I pointed out, 11 of the 13 subcommittees are involved in this bill, 2 more than were requested by the President. The Subcommittee on Legislation, under the chairmanship of the gentleman from California [Mr. FAZIO], and the Subcommittee on Foreign Operations, under the chairmanship of the gentleman from Wisconsin [Mr. OBEY], both recommended additional reductions. In the case of the legislative branch, we have $20 million which was the amount saved as far as franking of the mail is concerned.

For the Subcommittee on Foreign Operations, Export Financing and Related Programs, we have rescissions added to the bill of $123,800,000.

Mr. Chairman, I support the committee bill presented by my chairman, JAMIE WHITTEN of Mississippi. Mr. WHITTEN, as the Members know, is the most senior Member of the House having set the all-time service record on January 6 of this year. Mr. WHITTEN has again used his 50 years of experience to put together a bill which addresses the needs of the country and the needs of this House. No Member of the Congress cares more about the House of Representatives than Mr. WHITTEN. With his leadership, the committee has produced a good bill which should be supported by both sides of the aisle. I am pleased to support my chairman on this legislation just as he has always supported the bills for labor, health and human services, and education which come from the subcommittee which I chair. He always helps us and we appreciate it.

Mr. Chairman, this is a good rescission bill, and we recommend it to the committee.

Mr. MYERS of Indiana. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the chairman of the Committee on Appropriations a few minutes ago said that Americans need to produce more and export more so we can create more jobs here in America, and I agree with that.

The problem is because we spend too much and we tax too much and we add mandates onto the back of the business community, we are losing our competitive edge. When we tax more and spend more and the businessman and citizens of this country have to pay more in taxes, this means they have to make more in salaries, all of those additional taxes go onto the back of the product that the businessman produces.

Because of that, when he exports overseas he is no longer competitive because it costs more to produce a car or a refrigerator or all kinds of products, because we are taxing more than our competitors overseas.

So when we start talking about these spending bills like we are today, these rescissions, we are not just talking about making one cut today and that is the end of it. We are talking about something that has a pyramiding effect throughout our economy.

Today the President sent $5.7 billion in rescissions up to the Hill for us to act upon. Because of the rule we passed, we will not be able to pass that $5.7 billion in cuts, because the minute we vote on that, and it will pass, the next vote will negate that previous vote, because we have this king-of-the-hill provision.

So the American people will once again be hurt to the tune of $5.7 billion in rescissions that could be made today.

Mr. Chairman, the people across this country do not trust Congress very much. The last poll I saw showed that 17 percent of the American people hold this body in high regard. That means that 83 percent of the people question the integrity and ability of us to cope with the Nation's problems. One of the reasons they have this doubt is because of the antics that you are seeing here today.

Mr. Chairman, that rule obfuscates the issue. What we need to do is cut through all the muck and let the American people know where the real problems lie. The real problem lies with the big spenders in this body. We have been able to cover it up to date with this rule so nobody is going to be able to understand it, the average person out there. But there is one place you can find out, and that is from the National Taxpayers Union.

Mr. Chairman, the National Taxpayers Union puts out a rating chart each year on how Congressmen and Congresswomen vote. I want to tell you, of the 226 biggest spenders in the U.S. House of Representatives, according to the National Taxpayers Union, 5 were Republicans and 221 were Democrats. Five of the biggest spenders in the Congress were Republicans and 221 were Democrats.

Mr. Chairman, that is the problem, and that is something that the American people have to address this fall. We have one Member here from Vermont, a man who is a Socialist. He ran on the Socialist Party ticket and was elected. There are 226 Members that have a worse voting record than the only Socialist in this country, and the American people do not want socialism.

So if the American people want to change things around this Nation, they ought to elect people who are for fiscal responsibility and who are going to keep taxes in line and keep spending down so we can be competitive in the world market.

Mr. NATCHER. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, I support this bill, but I just want to point out what is happening here today because it is unique. We have each year had rescission proposals submitted by the President. He would package a number of ideas he had for rescissions into a special message.

This year we are dealing in this bill with 99 separate rescission messages that the President submitted. There are a total of 113 rescissions in the committee bill because we included some proposed by the President and added some more.

Now, there is nothing unusual about having a midyear correction in the budget. We usually require some supplementals and probably some rescissions. When you are dealing with the large amount of money that we deal with in the Federal budget, of course, in the midterm you need some kind of correction.

But what the President did was to submit 99 separate rescission messages. I understand OMB has a list down there of 360.

Now, what was the President's criteria for the rescission proposals? It was not necessarily elimination of pork barrel projects. The criteria was not what is bad or good. The criteria is were these items in the original fiscal year 1992 budget submitted to the Congress last year?

I asked some of the agency witnesses that came before my subcommittee what was the criteria. They indicated that was a criteria.

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Now, that is not a criterion for determining what is needed or what should be a midyear correction at all. That is just a criterion for setting up the Congress so that we cannot get our work done.

Under the rules, each one of these rescissions could take in excess of 3 hours. If they could tie us up on 99 rescissions for that much time, we could not do anything until summer.

Then we would see stories on television that Congress can't get its work done, Congress can't get its work done.

What was done in this bill was to package these rescissions. That is the reason we had an argument on the rule. That is the only reason there was an argument on the rule. We packaged the rescissions into a bill so that we do not have to take 2 months to do what we can do here in a few hours.

This is a bill that packages some of the President's rescissions, substitutes some new ones in place of his proposals and adds others that the committee thought were needed or were justified. The committee bill then takes care of 113 rescissions all at one time. So I think this is the way to handle this matter.

I urge a "yes" vote on the bill.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Chairman, I rise in support of the committee's appropriations bill. I applaud the President, who felt that as the world was changing, we needed to reduce our spending, particularly our defense spending.

We are going to reduce our defense spending. I think it has to be done in a way which permits us to make a transition from an economy in many States and parts of the world which was geared to defense to one which is geared to civilian technology.

As we make that transition, we cannot destroy an industrial base that has taken us in many cases decades to build. The President chose to eliminate the Seawolf submarine. Fortunately, we have had committee hearings in the Committee on Armed Services and the Committee on Appropriations has considered this decision, and new information has come up.

In fact, we now know that it would cost us $1.9 billion to terminate that contract, and we would have no additional Seawolf submarines. Or we could spend the $2.7 billion and get 2 additional submarines. It seems to make elementary, economic, reasonable sense that we could go forward and build additional Seawolf submarines. Not 10, 12, but the 2 that we have already authorized and appropriated.

This world is changing. We must recognize the changes. But as we are looking at how we are going to cut back in our budget, and we must cut back, we have a $400 billion deficit which my children and my colleagues' children are going to have to pay, we must reduce our deficit, but we must do it in a responsible manner.

I believe the Committee on Appropriations, the chairman and the leadership on both sides, have tried to work. We are not looking at a package that the Committee on Appropriations has put together which is less than the President's proposal. In fact, it cuts more. In fact, we are looking at a package which is $141 million more.

Every Member in this room, every Member can probably stand up and say, "I would like to see cuts in different areas." And frankly, that is not possible, to meet every Member's satisfaction.

I believe the committee has done a credible and outstanding job in recognizing the strategic needs of our Nation, looking at the economic impacts of the decisions and putting together a proposal which takes care of all of our needs.

Mr. Chairman, I rise today to express my extreme opposition to the proposed rescission of over $4 million for the Low Income Heating Assistance Program.

The Low Income Heating Assistance Program also known as LIHEAP, serves over 6 million families nationwide and nearly 60 percent of all LIHEAP recipients are families with incomes under $6,000 a year.

Mr. Chairman, it is important to consider the significant message a rescission of this sort will send to the States regarding Federal support for LIHEAP. The LIHEAP rescission in H.R. 4990 would deny States a portion of the promised Federal LIHEAP funds, leaving the States to make up the difference. Currently, States lend money to their LIHEAP with the understanding that they will receive Government assistance at the end of each fiscal year. Should this rescission occur, it will appear that the Federal Government has reneged on its promise of distributing specified money to the LIHEAP. With less Federal support, State programs will ultimately be forced to make further cuts in benefits and eligibility.

Mr. Chairman, reductions in LIHEAP will cause real pain for real people. Without this program, far too many families, disabled and elderly on a fixed income will have to choose between heating and eating. I urge my colleagues to join me in my strong opposition to the LIHEAP rescission and implore the eventual House conferees to work with their colleagues in the Senate to find alternatives to this rescission.

Mr. NATCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I just want to make the point that while the administration did not ask for any spending cuts in the area of foreign aid, that the committee, in its alternative, has produced a proposal which reduces foreign aid by $110 million. $32 million in IDA, withholding money that cannot be spent in China because of human rights problems, $56 million in military grant aid, including $39 million to Peru, a government which just threw its democratically elected politicians in jail, and a number of other miscellaneous items.

We provided these cuts because we felt it was simply not credible nor balanced to provide cuts in the domestic side of the ledger without doing the same thing in the area of foreign aid.

I would also like to make the point in response to the gentleman who commented three speakers ago that the fact is that this committee has more than met its obligations in terms of budget discipline.

I recognize there are some Members in this House who would rather play partisan or ideological games on virtually every bill in sight rather than simply dealing with the public's business in a sensible way, but the fact is that this proposal cuts more money than the President's original request.

In fact, as has been indicated previously, since the rescission process began in 1974, the GAO has certified that the Congress has cut $1.6 billion more in rescissions than Presidents during that time asked for.

It seems to me the record is clear. This committee has met its responsibility to respond to requests to rescind. We have exceeded the spending reductions recommended by the White House historically, as we do again today. And I think this package is much better balanced and much less political, frankly, than the original package.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, last summer my good friend and colleague, TIM PENNY, and I offered an amendment to cut $21 million in mail funds from the fiscal year 1992 legislative branch appropriations bill. We fell just 22 votes short of success. While this vote was considered a key vote by several congressional watchdog groups, I'll bet most Representatives' constituents were unaware of how their Congressperson voted.

Today, however, Congress is under stricter scrutiny than ever before. We're all under the intense magnifying glass of an angry public. The winds of change are blowing even more strongly around here. Our constituents are watching us more closely, expecting us to be responsible and accountable.

I am pleased that the members of the Appropriations Committee now agree with the supporters of the last summer's Penny-Upton amendment, that we did not need this $20 million for our mail. I am voting in favor of the rescission package, and consequently, supporting for the second time language that cuts $20 million from fiscal year 1992's House franking fund.

While this cut is a solid start, we need additional congressional franking reforms. I urge my colleagues not only to cut mail funds, but also to prohibit any excess funds from being recycled to other projects, as is currently allowed. I commend Congressman JERRY LEWIS for his efforts in this arena. Both Republicans and Democrats have signed up to cosponsor my bill, House Resolution 404, which would mandate any unused franking funds be returned to the Treasury.

We also must stop the practice of allowing Members to send mass mailings

to residents of counties they don't yet represent. Congressman BILL THOMAS, another leader in House reform, has introduced H.R. 4104 to stop this practice, and I am pleased to be an original cosponsor of his bill.

Finally, let's kill both Seawolf submarines, which are what I call ill-begotten Groton goods. With the fall of communism, they are simply unneeded, and efforts to restore them by traditional defense budget cutters is a clear example of pork. We must be willing to make tough choices.

These actions will help us get our own fiscal house in order and help restore the faith of the American people in their government. I urge all of my colleagues to vote in favor of them.

Mr. NATCHER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Chairman, I am also on the Legislative Branch Subcommittee. Even though I may have voted against the Lewis amendment at the time it was offered in full committee markup, I had one of the lowest mailings of any Member of the House.

I would say that many of the Members that voted for the Lewis amendment had much higher mailings than I had.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

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

Mr. FAZIO. Mr. Chairman, I appreciate the gentleman's point. I think it really needs to be said that it was the Frenzel amendments which really restricted our mailing by each individual office in relation to our population differences by constituency that made it possible for us to provide this rescission today.

The vote that we were asked to make in a prior Congress really did not flow out of those reforms. So I think the gentleman can be satisfied that he has done the right thing, and we are all proceeding in the right direction on the frank.

Mr. MURTHA. Mr. Chairman, the details of the committee's Defense recommendations are in the report accompanying this bill.

At the time the Defense Subcommittee marked up the rescission bill, the subcommittee had received proposed rescissions totaling $4.8 billion.

The recommendations contained in this bill rescind $5 million more than the total requested by the administration.

In terms of the overall Defense chapter in this bill, the committee agreed with more than one-half of the funds requested for rescission by the Pentagon, and the committee provided alternative rescissions for the other half.

The alternative rescissions recommended by the committee are in a wide variety of programs and rerecommended for rescission for a variety of reasons including: unobligated balances; low priority; poor execution; and lack of support from the Office of the Secretary of Defense.

The bill before you does not recommend rescinding all of the funds requested for rescission regarding the Seawolf submarine.

The bill preserves the option of procuring two Seawolf submarines as opposed to one recommended by the DOD.

If we rescinded funds for the second Seawolf submarine, a total of $918 million would have been expended and we would have nothing to show for it.

Mr. Chairman, in conclusion, the Defense chapter: Rescinds more funds than the level of rescissions requested by the Department of Defense; preserves the option of constructing a second Seawolf submarine; and rescinds low priority programs.

I recommend approval of the committee's recommendations in the Defense chapter of the rescission bill.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, many of the Members are speaking very knowledgeably about the details of this issue, and I do not want to do that. I want to talk more about what I think is the policy direction and the commonsense approach to what we are doing here, and the broader question of what we are really dealing with.

Certainly most of us, all of us, I think, would admit there is nothing more important than effectively dealing with the deficit. That has been my view since I have been here for 3 years. It is my view every weekend when I go home to Wyoming. That is the issue that most people put as the highest priority.

The evidence, of course, is that we are unable to deal with the deficit without making some procedural changes that need to be made. One is the balanced budget amendment, so we have some constitutional discipline to do it. Another is to change the budget procedure so that we handle it differently.

The one we are talking about here today really is the line-item veto, and I wish we had a line-item veto, as most of us perceive it, where every issue has to come before this House that is vetoed by the President.

However, this is an approach to dealing with it. The bundling issue is the one that kills us, I believe. Many of the things that go through in these large bills would never stand scrutiny on their own, and that is what this bill is all about.

Mr. Chairman, I just really hope that we can put this thing as close as can be to a line-item veto, not to put one package together, leave out a bunch of other stuff, and say, "We have fixed it." That does not fix it. We need a procedural operation so we can do this and we can deal with those items that are hidden down in this budget.

Mr. NATCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, I would like to commend the committee for the work that it has done. It has reached in. It has been able to save more tax dollars than the President's proposal, and it has done so in a far more rational process. I want the people who are watching this, both here and at home, to understand what the debate is about. The debate is whether elected Members of Congress make the determination on where we save the money or whether a handful of appointed, removed bureaucrats make those decisions, because if we make the decision based on what process saves more money, it is the committee that deserves the great credit of having saved more dollars at the end of the day, but it has done so in a process that I think takes into better accounting the value of the American tax dollars.

The gentleman from Pennsylvania mentioned the submarine program, the choice of spending $91.1 for a lot of parts that do not add up for anything, or spending slightly more in order to have a ship for the fleet.

Time and time again it seems to me the committee has made the right decisions. It has made the cost savings that will bring the deficit down, not as much as many of us would clearly like, but we need to do other things as well, not just within the appropriations process but in tax policy and in other places as well.

Therefore, I for one want to commend the committee for its great work in this budget process, and would hope that my colleagues will join with me in supporting it.

Mr. MYERS of Indiana. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I certainly thank the gentleman for this time.

First of all, Mr. Chairman, I want to make it very clear that I do support the rescission effort here of the Committee on Appropriations. I hope that what we have been debating today in regard to the total questions involved here are not construed to be deeply critical, at least insofar as what the Committee on Appropriations has done here, I believe in a good faith effort to try to answer the President when the President suggested that there ought to be, in his first two messages, on March 10 and March 20 about $5.8 billion of rescissions in some 68, I believe, rescission messages.

To the credit of the Committee on Appropriations, they addressed that question. I believe they incorporated $2.6 billion of the President's rescissions within the Committee on Appro-

priations' rescissions, so that is all, I think, a plus.

We in the pork busters group have not been criticizing what the House Committee on Appropriations has done to try to address this problem. Our real argument has been with the Committee on Rules, because what we have suggested or tried to suggest, considering the fact that we have been unable to balance the budget for 23 years in a row, and we are incurring about $300 billion this year just to pay interest on the national debt, we all agree that anything we can do to address ourselves to low priority spending, which is easy to say but tough to do, we should do that.

Thus, in a bipartisan fashion, Democrats and Republicans got together, went to the Committee on Rules, and we offered suggestions as to how we could add to and we could complement what the Committee on Appropriations was doing. At that time, by the way, and at this time, the President has suggested $7.9 billion in rescissions. That is more than what the Committee on Appropriations has suggested, but in all fairness, the Committee on Appropriations began their deliberations, I believe, when the President's rescissions were at about the $5.8 billion figure, so they addressed themselves to that.

At this time, however, we try to bring out that the President has $7.9 billion worth of rescissions, $2.6 billion have been incorporated into the Committee on Appropriations plan, and that is all to the good.

However, why not now let the President have at least an opportunity to have this body consider being able to, in a separate amendment, address ourselves to what the remaining balance of the President's rescissions are, even in a packaged plan where we do not have the project-by-project vote the President ought to have? That is all we are suggesting.

We did show we could add $6.6 billion to what the Committee on Appropriations has done, and we are being struck out completely in that regard. Our frustration is not with the Committee on Appropriations this time, our frustration is with the Committee on Rules.

Mr. NATCHER. Mr. Chairman, I yield 3 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, our Appropriations Committee considered the President's rescission requests.

The committee has given us a balanced, rational rescission list that incorporates many of the President's requests, substitutes others, and would cut even more than the President requested.

So let's not try to kid anyone that savings are the issue here.

Of particular concern to me is the mean-spirited political nature of some of the objections to items in this proposal.

I refer especially to $1.2 million for Hawaiian Homes lands infrastructure.

The Hawaiian Homes Program was established by Congress in 1921.

Its goal is housing for native Hawaiians and the reestablishment of Hawaiian communities.

In establishing the Hawaiian Homes Program, Congress attempted in some measure to ameliorate the injustice done to the Hawaiian people by the overthrow of the Hawaiian monarchy in 1893.

That overthrow was, to put it bluntly, an armed coup d'etat executed by American citizens backed by the armed crew and big guns of the U.S.S. *Boston*.

As we approach the centennial of that coup, the Hawaiian people are still suffering the aftershocks of that event.

They are overrepresented in nearly every index of social distress—lower life expectancy, illness, homelessness, unemployment.

Native Hawaiians are becoming strangers in their own land.

The Federal Government—the administration's claims to the contrary notwithstanding—does have a trust obligation here.

That trust obligation began with the enactment of the Hawaiian Homes Commission Act in 1921.

It was acknowledged by successive administrations throughout Hawaii's territorial period and long after Hawaii became a State.

It is only the Bush administration which refuses to acknowledge—much less honor—that relationship.

That rejection of Hawaii's native race is exemplified in this rescission.

I ask every Member to join me in rejecting this amendment and achieving—just this once—a small measure of justice for the Hawaiian people.

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Mr. NATCHER. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, does anyone recall when former President Reagan ran for office on the need for a balanced budget and used to say things such as any President that submits a budget that is unbalanced ought to be impeached? Well, except for that original budget in January 1981, which was just a minor change from the Carter budget, the President of the United States never submitted a balanced budget, and yet it has been the Congress that year after year has appropriated less than the President has requested, cut taxes by $1.6 trillion, increased expenditures by $1 trillion. The fact is that the American public needs to know that the Congress has appropriated less and rescinded each year more than the White House has proposed, $17.23 billion in total. Even this legislation reduces the administration's request by $142 million, and beyond that, it is a thoughtful approach to budgeting. In fact, it addresses the changing needs of our Nation, puts the money where it needs to be, and reflects the American public's concern for fiscal integrity.

Mr. Chairman, I rise today in support of H.R. 4990, legislation introduced by Chairman WHITTEN which offers a thoughtful, constructive, and responsible alternative to the recision package offered by the administration.

Throughout the 1980's Congress has demonstrated more fiscal restraint and more fiscal responsibility than either Presidents Reagan or Bush. Since President Reagan took office, Congress has appropriated less and rescinded each year more than the White House proposed—$17.23 billion total. Even this legislation takes the administration one step further in decreasing the Federal budget—to the tune of $142 million.

But aside from the true track record of what branch of the Federal Government is controlling Federal spending, this legislation offered by Chairman WHITTEN is more reflective of the changing needs of our Nation. I support the increased recision of some unnecessary weapons programs such as procurement of MX missiles and advanced cruise missiles. I also support the necessary cuts made to the domestic side of the President's recision list. All these cuts demonstrate the willingness to make the hard choices which are necessary to bring our budget deficits under control.

I urge my colleagues to support this recision package.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the bill has been adequately discussed and explained here, but a few things still seem to be hanging out there. Some Members do not fully understand the bill.

The biggest difference between the President's recommendations for recisions and ours is the Seawolf submarine program. We can take the President's bill, knock the Seawolf program out and we save very few dollars and we would have absolutely nothing to show for it. If we go on and consider the Seawolf and build a second Seawolf, which would be from equipment most of which is already purchased, and there would be no termination costs on that, we will at least have an attack submarine to show for what we have invested.

But even more importantly, the military-industrial base that is represented in this program would be lost entirely if we terminate this program. Hopefully we will never need it, but it takes a long time to put all of those people together, the capability, the talents that are already there. So it is going to

be reduced, but at least we will have that capability, that cadre of talent maintained by the committee's recommendation.

Lastly, if Members are just interested in saving money, the most dollars will be saved by the committee's recommendations, $141,649,285 more than the President recommended. So if that is your interest, support the committee bill.

We are going to have an opportunity shortly to hear about the President's program and what it will cut out, and that will be discussed later. But the most dollars will be saved by the committee program, and if Members are concerned about saving dollars, my guess is we will have this thing around again, and there will be more opportunities this year to vote on rescissions.

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

Mr. NATCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is the best rescission bill that has been presented to the Congress since 1974 when the Budget Impoundment and Control Act was passed. Prior to this time when we received rescission requests from the President, those requests were considered by the subcommittee when the hearings were being held, and if approved they would be forwarded in the regular appropriations bill. This is a separate bill. It is the largest standalone rescission bill that has ever been considered Mr. Chairman, we recommend this bill to the Committee.

Mr. FRANKS of Connecticut. Mr. Chairman, I am pleased that today this body will vote on real spending cuts. H.R. 4990 represents the first time in my career that the House of Representatives is debating and voting a piece of legislation which will reduce Federal spending. This legislation contains funding cuts for many programs. However, the majority of the savings, about 85 percent of them, are made from cuts in Defense appropriations.

Mr. Chairman, as the ranking Republican on the Defense Industrial Base Panel I have examined closely the effect the proposed defense reductions will have on our defense industrial base. As you know, the conclusions we reached were complex and did not have simple solutions—to be frank, a Band-Aid approach not only won't work, but it is dangerous. Let's not repeat history and simply cut for the sake of a peace dividend.

Albeit, there are some industries that can make the transition despite the distinct difference between the commercial and defense industry. However, there are others that are unique and, therefore, require a unique approach. One of these is the shipbuilding industry—more specifically submarines. Simply put, it is not a technology that can be easily transferred to many other applications besides defense. As a result, we risk the possibility of not only losing the technological base, but also jeopardizing our countries' national security.

The skills that are needed to build submarines cannot be learned overnight. They have taken years to reach this level, a level which has given our country superiority on the seas unmatched by any other country. While communism may be gone, the weapons of mass destruction it produced are not—and that includes submarines. Our ability to deter aggression relies on our strengths and our ability to rapidly respond.

By halting production, even on a temporary basis, we cannot expect those skills to survive. People are not something you put on a shelf and take down next time they are needed. Not only will we lose the confidence of the people who design and produce submarines, but we also lose the ability to reconstitute in time of conflict. The loss of one shipyard will ensure that those abilities are lost.

Aside from my concerns with the defense industrial base, I am very supportive of this bill. I am, and have been, a supporter of the constitutional amendment to require a balanced budget. I hope that the House conferees will give serious consideration to including the Senate's provision on a balanced budget amendment in the legislation they report back to the House of Representatives.

I will vote for this bill which is the first opportunity I have had in Congress to further reduce the level of Federal spending, especially wasteful spending. I believe this is an important first step in regaining control of Federal spending levels.

Mr. MICHEL. Mr. Chairman, what is encouraging about the legislation before us today is that we are talking about cutting spending, rather than adding to it. It is a refreshing change around here.

The looting and burning of Los Angeles predictably has brought about calls for more Government spending.

The cry is heard in the land: "Don't just stand there—spend something!"

But rescissions remind us that spending more is not synonymous with doing more—at least not in government.

The true art of government consists not in how much is spent but in how effective government policy is.

Quality of ideas, not quantity of dollars, is the mark of good government. Let's keep that in mind in the weeks and months ahead.

With a deficit of nearly $400 billion staring us in the face, spending reductions ought to comprise 90 percent of our deliberations.

Of course, they do not, but the fact that we are considering any reductions at all is a significant breakthrough.

It is a breakthrough due completely to the President's leadership.

Had the President not proposed any rescissions, this legislation before us would never have existed. In fact, the majority seems to have tried to one-up the President by adding an extra amount to his original proposals.

To that I say, great. If we could keep the momentum flowing in this direction, we would not need a balanced budget amendment.

But I know better than to dream on for too long.

In fact, the rule prohibiting amendments designed to expand the reductions contained in the bill, no doubt, reflects the true sentiment on the other side of the aisle. Far be it for the majority to let this process get out of hand.

If the President's rescissions not included in the committee bill were added to it, we would be saving the taxpayers over $11 billion. What's wrong with allowing that to be offered? Why are we prohibited from undertaking further reductions on an appropriations bill?

Is the majority afraid that cost-cutting may prove contagious and that we might be hit by an epidemic of frugality? I fear some of us have long since proven to be immune to such a contagion, but you never can tell.

So I am glad we are following the President's lead in cutting excessive spending by nearly $6 billion. I think it would be good, however, if we went a step further by cutting $11 billion and really doing ourselves proud.

As they used to say: Try it, you'll like it.

Mr. OLVER. Mr. Chairman, I rise today to object to a provision in the appropriations rescissions bill, H.R. 4990, which would rescind 1 percent, $405 million, of the remaining fiscal year 1992 funds for the Low-Income Heating Assistance Program [LIHEAP].

It is hard to believe that I must speak about the importance of these funds and fight to have them preserved. Aside from having enough to eat, what is more fundamental than having heat in the winter?

This is the second time I have fought for this funding. Last year's Labor/HHS appropriations bill cut LIHEAP funding overall and delayed $405 million in funding until the final day of fiscal year 1992. However, the bill language urged States to go ahead and obligate the necessary funds under the assumption that the Federal Government would return the money on the final day of fiscal year 1992. Rescinding this $405 million would result in the elimination of these promised funds and leave the States to make up the difference.

It is now May. It is spring. Here in Washington it may be warm, but in Massachusetts they are still running the heat. Many of the households that received money from LIHEAP to supplement their heating bills this past winter had no other means for paying these bills. Most of them ran out of money for heat long before the LIHEAP season ended last month.

The only reason some of these households received LIHEAP money in the first place was because the States covered the expected Federal dollars. They are expecting payment on September 30, 1992.

This sends a clear message to the States. Which States are going to continue to spend money to cover LIHEAP now that they see the Federal funds being withdrawn? Without adequate funding from the Federal or State Governments, how is LIHEAP going to provide people with heat?

I am a cosponsor of House Concurrent Resolution 282, which expresses the belief that LIHEAP should be funded at a level greater than or equal to the fiscal year 1992 level of $1.6 billion. It has the bipartisan support of 170 Members which is encouraging.

This country spends a lot of money on a lot of things that are of questionable necessity. But in 1990, 46 percent of the elderly receiving fuel assistance in Massachusetts went an average of 4 days without heat. In fiscal year 1992, 25 percent of the LIHEAP caseload in Massachusetts consisted of first-time applicants.

The situation is bad and it is getting worse. I guarantee that if any person in this Chamber went home for 4 days and had no heat, I

would no longer have to plead for money for LIHEAP.

Mr. HUGHES. Mr. Chairman, I rise in support of H.R. 4990 and in opposition to the amendment that would substitute the President's rescission package. My colleagues on the Appropriations Committee have responded to the deficit pressures we are facing and identified $5.8 billion to be cut—$142 million more than proposed by the President.

In the face of $1.5 trillion budgets, $400 billion deficits, and nearly $4 trillion of debt—three-fourths of which has been piled up since 1981—both of these rescission proposals are small change. Either package would only cut the deficit by 1.4 percent and reduce the national debt by an irrelevant 0.002 percent.

Once again, we have a President demanding that Congress upset the balance of powers as laid out in the Constitution by giving him a line-item veto, but when the time comes to actually put some serious spending cuts on the table, the results are far from impressive.

While neither package will solve our deficit problems, the differences between the two packages does illustrate the differences in priorities between Democrats in Congress and the President. Both proposals make roughly 85 percent of their cuts in defense programs, but the Democratic plan cuts $124 million from foreign aid while the President's plan would only cut domestic programs. In addition, the Democratic plan cuts $20 million from the House's own funds, but the President's proposal failed to offer any similar cuts in the growing White House budget.

The time has come for both parties to level with the American people about the deficit. The deficit is a tremendous drain on our economy, and there are no easy ways to balance the budget. While we frequently hear campaign pledges that we can balance the budgets simply by cutting waste, without either painful spending cuts or new taxes, these rescission packages only accomplish 1 percent of that tax. Similarly, during the 1990 budget debate, no one was willing and/or able to offer a detailed plan to cut spending by enough to reach the budget summit goal of $100 billion a year.

After so much rhetoric about cutting waste and so few results, I think the time has come to ask, "Where's the pork?" If no one can or will identify enough waste to reduce the deficit, we must we prepared to refocus the debate on choosing between cutting popular programs or raising unpopular taxes.

Mrs. KENNELLY. Mr. Chairman, I rise today in support of the Defense Appropriations Subcommittee's decision to reinstate funding for the second *Seawolf* submarine.

Few will argue with the need to downsize defense. However, with our future Defense needs unclear, Defense cuts must be carried out with careful precision; not with blind swings of an ax. The *Seawolf* represents the finest submarine technology in the world. Canceling the program after one submarine will deal a critical blow to this country's ability to produce submarines and is unfair to the workers and communities affected.

By ending the program now, we would forfeit the industrial base which has taken years to assemble and threaten the construction of the next class of submarines later this decade. We cannot afford to dismantle our Defense infrastructure. It has taken decades to assemble such a wealth of skill and knowledge. If this brain trust is allowed to disperse, it will be difficult—if not impossible—to reassemble it. With the spread of submarine technology, including in such troublesome regions as the Persian Gulf, we cannot afford to relinquish our strategic advantage in this area.

Recently, comments from President Bush's own staff have suggested that canceling the *Seawolf* is a mistake. The subcommittee's decision turned the tide in favor of those who believe in the program. We must continue the fight. We must maintain our ability to build the next generation of submarines in the 1990's. Ending the *Seawolf* program prematurely would deal a near-fatal blow to that capability.

Mr. PANETTA. Mr. Chairman, I rise in strong support of H.R. 4990, rescinding certain budget authority for fiscal year 1992. I commend Chairman WHITTEN and his committee for their prompt action on H.R. 4990 which rescinds $5,805 million in budget authority, $118 million more than the President requested. The Congressional Budget Office [CBO] estimated outlay savings of $1,506 million in fiscal year 1992 and $1,346 million in fiscal year 1993. These 99 separate rescissions contained in 68 special messages were transmitted to Congress on March 10, March 20, and on April 8. Of this amount, $2,571 million was included in whole or part in the President's proposals, and $3,234 million was initiated by the Appropriations Committee.

H.R. 4990 includes $4.9 billion for Defense—almost the same amount as the President's request but reflecting different priorities. The bill rescinds $735 million in domestic spending and $124 million in foreign aid. This bill demonstrates a responsible action by the Appropriations Committee in a timely manner.

According to the General Accounting Office [GAO], the record of Congress in terms of passing rescissions during the Reagan and Bush administrations has been excellent. Congress has passed more rescissions in dollar terms than requested since 1980. I am attaching for the record a comparison of total congressional action on rescissions and total proposed rescissions requested by the President for fiscal years 1981 through 1992.

The total dollar amount of rescissions requested in fiscal years 1981 to 1992—as of February 26, 1992—was $48.9 billion. The total amount of rescissions enacted in those fiscal years totaled $49.3 billion.

I urge passage of H.R. 4990.

COMPARISON OF TOTAL CONGRESSIONAL ACTION ON RESCISSIONS AND TOTAL PROPOSED RESCISSIONS BY PRESIDENT

Fiscal year	Total dollar amount proposed by President for rescission	Total dollar amount of rescission enacted by Congress	Percentage enacted by Congress
1992 [1]	$16,700,000	$1,382,377,000	8,278
1991	4,859,251,000	1,322,955,000	27
1990	554,258,000	2,835,447,000	512
1989	143,100,000	214,366,000	150
1988	0	3,860,653,067	.....
1987	5,835,800,000	5,735,509,675	98
1986	10,126,900,000	6,811,660,000	67
1985	1,854,800,000	5,624,773,000	303
1984	636,400,000	2,236,890,000	351
1983	1,569,000,000	280,605,100	18
1982	7,907,400,000	4,382,413,000	55
1981	15,361,900,000	14,578,526,150	95
Total	48,865,509,000	49,276,174,992	101

[1] As of February 26, 1992.

Source: General Accounting Office.

Mr. MARKEY. Mr. Chairman, I rise in strong opposition to the proposed rescission of $7.677 million in funds for the Public Telecommunications Facilities Program [PTFP] for fiscal year 1992.

Administered by the National Telecommunications and Information Administration in the Department of Commerce, PTFP is a competitive matching grant program that supports the construction and maintenance of public television and radio facilities. Since its inception, the program has been extremely successful in extending the reach and quality of public broadcasting to underserved areas. PTFP grants enable applicants, many from rural and minority areas, to construct broadcast facilities to serve the needs and interests of their local communities. Moreover, PTFP has made grants specifically targeted to increasing the participation of minorities and women in public broadcasting. And as part of the House's most recent authorization legislation for public broadcasting, PTFP has been directed to enhance the provision of public telecommunications services to underserved audiences, including deaf and hearing-impaired and blind and visually impaired people.

Not only does PTFP work to extend the reach of public broadcasting, but the grant program also funds initiatives to develop innovative uses of educational telecommunications. In the past, PTFP has supported instructional telecommunications services for educational institutions and nonprofit organizations. And in 1992, PTFP began to solicit proposals for a major telecommunications educational program that would coordinate a wide array of technologies and services to link educational institutions on the local, State, and national level. As it becomes increasingly clear that America's international competitiveness is dependent on improving our educational system, the importance of PTFP's continued commitment to educational initiatives cannot be understated.

Despite the programs' enormous successes, PTFP's work is far from finished—today, fully 14 percent of the Nation is not yet served by public radio and 6 percent live beyond the reach of public television. And in 1991, a lack of available funds meant that some 66 percent of the total dollars requested by applicants were not granted.

Few in this body would dispute that extending the reach of public broadcasting and funding educational telecommunications initiatives are laudable goals. However, Mr. Chairman, the legislation before us today would greatly undermine the ability of PTFP to help realize these important objectives. The proposed $7.677 million rescission would cut PTFP's funding by one-third, which, according to some estimates, would prevent the funding of 46 projects in fiscal year 1992. Such attempts to

cut PTFP funding are nothing new—throughout the 1980's and 1990's the Reagan and Bush administrations annually have attempted to zero out PTFP funding. Congress repeatedly has rejected these proposals and has demonstrated its steadfast support for public broadcasting by continuing to provide fair funding for this important program. The House again affirmed its commitment to PTFP and public broadcasting last November by passing unanimously H.R. 2977, the Public Telecommunications Act of 1991, which authorized funding for the PTFP at $42 million for fiscal years 1992, 1993, and 1994.

As chairman of the Subcommittee on Telecommunications and Finance, I have had a unique opportunity to witness the significant advances in public broadcasting made possible by PTFP funding. I am convinced that PTFP is deserving of its full $22.9 million appropriation for fiscal year 1992, and that this proposed rescission would be a devastating blow to this important program and to public broadcasting as a whole. For this reason, I urge my colleagues to oppose the PTFP budget rescission.

Mr. GRADISON. Mr. Chairman, I rise in support of this bill. The bill reported by the Appropriations Committee would rescind $5.8 billion in budget authority for fiscal year 1992. The associated outlay reduction will reduce the fiscal year 1992 deficit by $1.3 billion. With a fiscal year 1992 deficit now projected to be around $370 billion, every dollar of unnecessary spending that can be eliminated is important. The Appropriations Committees should be commended for their efforts to develop a responsible spending reduction bill.

This bill reduces spending slightly more than requested by the President in his rescission proposals considered by the committee, but even more could be saved. The committee did not consider the $2.2 billion in defense rescissions transmitted by the President which are not included in this bill, another $5.4 billion could be saved and the total BA reduction could be nearly doubled to $11.2 billion.

Despite the apparent good start at spending reduction, let us not feel ourselves into thinking that every dollar rescinded by this bill represents a real reduction in spending. In many instances, the Appropriations Committee has simply recognized reality and rescinded funds that are no longer needed for their intended purpose. There is nothing wrong with doing this, but it is certainly nothing to brag about.

Other reductions, such as the reduction in funds available for delayed obligations in the Labor/HHS appropriation, simply remove spending authority which should never have been provided in the first place. Unfortunately, this bill rescinds only $18 million of the $4 billion in delayed obligations contained in the fiscal year 1992 appropriation. The entire amount should be rescinded because there is not enough room under the fiscal year 1993 spending cap to meet both these delayed obligations and legitimate fiscal year 1993 spending needs.

Budgeting necessarily requires hard choices about spending priorities. The fact that we are returning after only a few months to rethink some of the choices made last autumn does not make our job any easier. I urge my colleagues to vote for this bill not because it is good politics, but because it is the responsible thing to do.

Ms. SNOWE. Mr. Chairman, I rise today to express my support for the rescission proposals offered by President Bush. I voted in favor of his proposals because I strongly believe in the importance and necessity of cutting unnecessary spending to reduce the Federal budget deficit, and I wish that the House had approved the President's rescission package.

Once the House rejected the President's proposals, I reluctantly voted in support of the Committee's package. However, due to my serious concern about the cuts in low-income home energy assistance and lowbush blueberry research, I will be working with the conference committee to draft a final version of this legislation that does not include these two ill-advised cuts.

Rather than targeting some of the most wasteful programs, the committee's package makes across-the-board cuts in many important programs. I cannot believe that we are willing to cut low-income energy assistance, financial aid for higher education, and compensatory education in order to save a submarine program that President Bush, Defense Secretary Cheney and the Chairman of the Joint Chiefs of Staff, Colin Powell, all believe is unnecessary.

In fact, the Appropriations Committee's proposals turns the so-called peace dividend on its head. According to the committee, we now need to cut low-income fuel assistance and some education programs in order to protect certain components of the defense budget.

The method by which these worthy programs were chosen for rescission while other low-priority projects were left untouched in the House package was irrational. It is obvious that the merits of each program considered for rescission were not analyzed carefully as part of a coherent plan to reduce spending.

Instead, political games were played. The House cut Senate-sponsored programs in its package and the Senate acted similarly. Each party tried to protect its own interests.

My colleagues, I ask you, is this the right way to reduce spending and the Federal deficit? We need to put an end to partisan bickering and politics as usual to protect American taxpayers and to halt the growth of the budget deficit. Only when we are willing to work together will truly meaningful cuts be made in Federal spending.

I was particularly distressed to see that the committee decided to rescind $4 million for the Low-Income Home Energy Assistance Program. With the inclusion of a cut in LIHEAP, Congress has pushed its scalpel past the fat to the vulnerable heart of meaningful Government programs.

The confusion generated by the committee's decision becomes more profound as one takes a short step back to examine recent LIHEAP funding history. As the House debated fiscal year 1992 funding for LIHEAP last year, it was pointed out that less than 25 percent of eligible households were served by the program. For those few receiving benefits, the Government payment amounted to less than 25 percent of the recipients' home energy bills. The majority of the people who received LIHEAP funds during fiscal year 1991 were families with incomes under $6,000 per year. Against this backdrop of sheer need, the Congress agreed last year to cut the amount of funds available to poor families in the winter of fiscal year 1992 by approximately $500 million.

As if this cut wasn't enough, the President, in his latest budget, proposed delaying nearly $800 million of a total $1 billion LIHEAP allocation until the last day of the fiscal year, meaning that less than $300 million would be available next winter, when, of course, people need heating assistance.

My colleagues, look at the numbers over the past 3 fiscal years—$1.6 billion, $1.1 billion, and if the President's budget holds, $300 million.

Now, it appears that some in this body would like to whittle an extra $4 million off the spare block of funding currently held in reserve for fiscal year 1992 until the last day of the fiscal year. It might appear that since these funds were not available this past winter, they have no real utility. On the contrary, they have been spent already. Oil dealers and utilities in Maine have extended credit to their poorer customers to help them get through the winter, in anticipation of upcoming LIHEAP payments. Being businesses, they need to cover their costs, however, and now they are looking for the money owed to them. The community action agencies which disburse LIHEAP payments on the local level receive frantic phone calls from LIHEAP recipients whose bills are now due. The State of Maine, in response to the urgent demand, is trying to take out a loan backed by the held-over reserve to meet payments already incurred throughout the winter. Because the State will have to pay interest on the loan, the poor citizens of Maine will receive less actual heating assistance for the money allotted them by the Federal Government.

Mr. Chairman, this body has once again entered the theater of the absurd. We are voting to cut a program for the desperately poor and for which demand has increased greatly during the rescission, but for which funding has steadily decreased over the past 2 years. We are voting to cut money that in many cases has already been spent. While I am pleased with most of the committee's choices on the rescission list, I am dumfounded by the inclusion of LIHEAP. LIHEAP isn't pork. It's not water subsidies to big farmers, or tobacco subsidies, or someone's favorite road project, or some other unauthorized budgetary goodie. LIHEAP helps to keep old, the young, and the destitute warm in winter, and when this body takes up legislation on LIHEAP in the Labor-HHS appropriations bill later this year, it must be strengthened.

By voting for both packages, I have been forced to make tough choices. Less than $200,000 in fiscal year 1992 appropriations for lowbush blueberry research has been proposed for rescission in both the President's and the committee's package. I fully believe that this program is deserving of the funds which it had been appropriated.

When proposing this project for rescission, the administration asserted that "This project on weed, insect and disease control, and remote sensing management of lowbush blueberries was not peer-reviewed or competitively awarded. It is not nationally significant, and di-

rect beneficiaries were not required to contribute to the funding." Simply put: These claims are not true.

Before funding was requested, the proposed research was reviewed by many experts, specifically an interdisciplinary research council at the University of Maine and an industry advisory committee established by Maine law. These groups ensured that only the most needed studies were included in the research funded by these moneys.

Because the lowbush, or wild, blueberry is unique from other species, research done on blueberries in other parts of the country is not transferable to wild blueberries. While Maine produces 98 percent of wild blueberries in the United States, these berries represent 50 percent of the total North American crop, thus representing a significant portion of this Nation's supply.

In addition, the direct beneficiary of this funding, namely the wild blueberry industry, does contribute funding to the research. For fiscal year 1992, the industry will contribute $111,300 in funding, and in a measure of State support, the University of Maine will contribute approximately $300,000.

Furthermore, this program is a good investment for the Government. It aids an industry that is constantly growing and providing more jobs for an area which has had longstanding economic difficulties. The industry has grown from a $24 million industry in 1980 to a $86 million industry in 1990.

This growth is directly correlated to the research done at the Maine Agricultural Experiment Station. Additionally, it is clear from these facts that this research is peer-reviewed, nationally as well as regionally significant, and is supported financially by the beneficiaries. For these reasons, its funding should not be rescinded.

Mr. REED. Mr. Chairman, I will be supporting H.R. 4990, the appropriations rescission bill as passed by the House Appropriations Committee but I do so deeply regretting the committee's recommendation to rescind 1 percent of the remaining fiscal year 1992 funding for the Low-Income Home Energy Assistance Program [LIHEAP]. I understand that in these difficult times all programs must share equally in the budget cutbacks. But I also believe that the LIHEAP Program has already taken its share of cuts and to further reduce this funding would permanently weaken our ability to provide this necessary service.

Last year's Labor-HHS appropriations bill cut LIHEAP funding overall and delayed $405 million in funding until the final day of this fiscal year. The report to accompany that bill urged States to, in effect, make up this shortfall by obligating both the regular and the delayed funding. Many States did just that so as not to leave families without heat during that critical time. These States made this decision with the understanding that this funding would be available at the end of the year.

The proposed LIHEAP rescission we will be voting on today will leave these States holding the bag. Those States who borrowed money from other State accounts to make up the LIHEAP shortfall will be unable to repay those funds. And we will be unable to convince any State to once again make advance funding available for this critical program.

President Bush's proposal would continue this dangerous cycle by asking us to hold $800 million in LIHEAP funds until the last day of fiscal year 1993. That may make us feel better by making our budget numbers look better, but such a plan would just set a trap for next year.

I will not object to the Appropriations Committee LIHEAP proposal as part of this overall bill. However, I will strongly encourage my colleagues from the House to agree in conference with the Senate LIHEAP recommendation. And I will also urge for full funding for fiscal year 1993 with no delay in funding.

LIHEAP has proven successful in helping low-income and elderly citizens afford energy and energy savings improvements in their homes. It is one of the only grants available to the working poor and recently unemployed families.

To the estimated 25,000 families LIHEAP serves in Rhode Island, this program is a badly needed safety net that provides them with financial assistance in paying their utility bills.

The lack of adequate funding for LIHEAP affects all consumers. with the mandated moratorium in effect on utility service terminations during the winter months, these consumers continue to receive gas service at least through the winter. If consumers are unable to meet their bills, the cost of providing gas service is continued part of a utility's cost of service and that burden is then shared by all customers of that utility.

I urge all my colleagues to join me in demanding restoration of LIHEAP funding. This program is far too important for this type of smoke-and-mirror budget games.

Mr. NATCHER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule.

Pursuant to the rule, the amendment printed in part 1 of House Report 102-514 is considered as having been adopted.

The text of H.R. 4990 as amended, is as follows:

H.R. 4990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following rescissions of budget authority are made, namely:

TITLE I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-142, $100,000 are rescinded for cattail management in North Dakota.

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 102-142, $531,000 are rescinded for special research grants, as follows:

Integrated orchard management, $49,000;
Leafy spurge biocontrol, $125,000;
Lowbush blueberry research, $185,000;
Mink feeding and reproduction research, $46,000;
Seedless table grapes, $50,000; and
Urban pest research, $76,000.

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-142, $1,125,000 are rescinded for Buildings and Facilities, Cooperative State Research Service, as follows:

Animal care facility, $250,000;
Building consolidation, $500,000; and
Food processing plant, $375,000.

NATIONAL AGRICULTURAL LIBRARY

(RESCISSION)

Of the funds made available under this heading in Public Law 102-142, $462,000 are rescinded. Such funds were made available for a grant for agricultural law research and information at the Leflar School of Law.

FARMERS HOME ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-142, $10,031,000 are rescinded. Such funds were made available for ADP related activities.

TITLE II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 102-140, $7,677,000 are rescinded.

RELATED AGENCIES

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

Of the funds made available under this heading in Public Law 101-162, $13,748,000 are rescinded.

TITLE III

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following program in the specified amount:

General Defense Intelligence Program, $432,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following programs in the specified amounts:

General Defense Intelligence Program, $5,370,000;
Consolidated Cryptologic Program, $6,900,000;
Fort Riley Railroad Study, $6,800,000;

Airborne and Special Operations Museum, $4,000,000;

National D-Day Museum, $4,000,000; and

Manhattan, Kansas Airport Study, $250,000.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following programs in the specified amounts:

General Defense Intelligence Program, $8,361,000;

Consolidated Cryptologic Program, $8,300,000;

Naval Undersea Museum, $1,750,000;

U.S.S. Blueback Museum, $1,600,000; and

Greenbank Naval Observatory, $900,000.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following programs in the specified amounts:

General Defense Intelligence Program, $30,946,000; and

Consolidated Cryptologic Program, $6,400,000.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following programs in the specified amounts:

General Defense Intelligence Program, $14,970,000;

Consolidated Cryptologic Program, $3,000,000;

Coordinator for Drug Enforcement Policy and Support, $1,000,000;

Coordinated Care implementation, $50,000,000;

Charleston Harbor Management Plan, $500,000; and

Legacy Resource Management Program, $15,000,000.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following programs in the specified amount:

Miscellaneous unobligated balances, $22,000,000.

Of the funds made available under this heading in Public Law 101-511, the following funds are hereby rescinded from the following programs in the specified amounts:

Miscellaneous unobligated balances, $7,270,000; and

MPLH deployment kits, $13,100,000.

Of the funds made available under this heading in Public Law 101-165, the following funds are hereby rescinded from the following programs in the specified amount:

Miscellaneous unobligated balances, $21,800,000.

MISSILE PROCUREMENT, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following programs in the specified amount:

Miscellaneous unobligated balances, $23,500,000.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following program in the specified amount:

Bradley Fighting Vehicle (advance procurement), $50,000,000.

PROCUREMENT OF AMMUNITION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102-28, the following funds are hereby rescinded from the following program in the specified amount:

25mm M919, $23,300,000.

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following programs in the specified amounts:

HMX, $1,000,000; and

ET fuze M762, $22,000,000.

OTHER PROCUREMENT, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following programs in the specified amounts:

National Training Center Support, $5,900,000; and

General Defense Intelligence Program, $1,000,000.

Of the funds made available under this heading in Public Law 101-165, the following funds are hereby rescinded from the following program in the specified amount:

PSYOP Equipment (SOF), $1,300,000.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following programs in the specified amounts:

E-2C advance procurement, $39,000,000; and

T-45 program, $40,000,000.

WEAPONS PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following programs in the specified amounts:

Personal defense weapon, $11,638,000; and

Allegheny Ballistics Lab, $13,200,000.

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 101-511, the following funds are hereby rescinded from the following program in the specified amount:

SSN-21 advance procurement, $179,400,000.

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following programs in the specified amounts:

SSN-21 advance procurement, $375,500,000; and

SSN-21, $1,314,700,000.

OTHER PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following programs in the specified amounts:

SSN-21, $189,400,000;

SURTASS, $4,000,000;

AN/SLQ-32(V), $1,300,000;

AN/SQR-18, $5,000,000; and

Intelligence Support Equipment, $2,453,000.

PROCUREMENT, MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following program in the specified amount:

155mm ADAM, $40,200,000.

Of the funds made available under this heading in Public Law 101-511, the following funds are hereby rescinded from the following programs in the specified amounts:

AAV7A1 product improvement, $6,500,000;

Telecommunications equipment, $5,500,000; and

Amphibious fuel system, $2,500,000.

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following program in the specified amount:

VC-137 Replacement aircraft, $7,012,000.

Of the funds made available under this heading in Public Law 101-165, the following funds are hereby rescinded from the following program in the specified amount:

AC-130U Gunship (SOF), $9,000,000.

MISSILE PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following programs in the specified amounts:

Peacekeeper (M-X), $73,000,000;

Advanced Cruise Missile, $130,000,000;

Advanced Cruise Missile modifications, $12,000,000; and

Spares and Repair Parts, ACM, $22,642,000.

Of the funds made available under this heading in Public Law 101-165, the following funds are hereby rescinded from the following program in the specified amount:

SRAM II, $6,415,000.

OTHER PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following programs in the specified amounts:

Selected Activities, $140,100,000; and

Intelligence Production Activity, $2,124,000.

Of the funds made available under this heading in Public Law 101-165, the following funds are hereby rescinded from the following program in the specified amount:

Miscellaneous Equipment (SOF), $1,100,000.

PROCUREMENT, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following program in the specified amount:

Classified Equipment, $13,900,000.

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, the following funds are hereby rescinded from the following programs in the specified amounts:

Medium Tactical Vehicles (Cab over HMMWV), $2,500,000;

Light Armed Scout Helicopter, $11,500,000;

Advanced Tank Cannon (ATAC), $6,000,000;

Tractor Jewel, $60,000,000;

Tractor Pull, $16,000,000;

Tractor Helm, $68,300,000;

Neuroscience Center, $10,000,000; and

Forward Area Air Defense (FAAD), $51,000,000.

Of the funds made available under this heading in Public Law 101-511, the following funds are hereby rescinded from the following programs in the specified amounts:

Anti-Satellite Weapon (ASAT), $10,000,000;
Combat Vehicle Improvement Program, $5,000,000;
Other Missile Product Improvement Program, $1,000,000; and
Fiber Optic Guided Missile (FOG-M), $10,000,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following programs in the specified amounts:
Centurion Submarine, $23,000,000;
Advanced Nuclear Reactor Component Systems, $18,000,000;
Trident II, $23,000,000;
EMPRESS II Testing, $10,000,000;
MK-30 Target, $10,000,000;
Advanced Submarine Systems, $10,000,000;
Retract Elm, $50,000,000;
Aegis Combat System Engineering, $10,000,000;
Submarine Sonar Development, $2,000,000;
Submarine Support Equipment, $10,000,000;
Anti-Air Warfare/Anti-Submarine Warfare Technology, $1,400,000;
Ship Towed Array, $6,100,000;
Industrial Preparedness (Acquisition Workforce Training), $5,000,000;
Industrial Preparedness (Metal Spray Forming), $9,000,000;
Industrial Preparedness (Submarine Propulsors), $3,000,000;
Joint Advanced Systems, $140,000,000; and
Tactical Reconnaissance and Surveillance, $3,656,000.

Of the funds made available under this heading in Public Law 101-511, the following funds are hereby rescinded from the following programs in the specified amounts:
Ship Development, $1,000,000;
Mine Countermeasures, $4,000,000;
Support Equipment, $6,000,000;
P-3, $20,000,000;
A-12, $20,000,000;
Consolidated Electronic Warfare, $4,000,000;
Ship Subsystem Development, $1,000,000;
Mine Countermeasures, $5,000,000;
Fixed Distributed System, $5,000,000; and
Target Systems Development, $3,000,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following programs in the specified amounts:
Advanced Tactical Fighter, $50,000,000;
Advanced Strategic Missile System, $10,000,000;
Special Projects, $157,000,000;
B-52 Squadrons, $3,000,000;
Night Precision Attack, $20,000,000;
Forest Green, $2,400,000;
Marywood College, $10,000,000;
Special Activities, $235,000,000; and
Range Improvements (Poker Flats), $10,000,000.

Of the funds made available under this heading in Public Law 101-511, the following funds are hereby rescinded from the following programs in the specified amounts:
Advanced Cruise Missile, $2,000,000;
SRAM II—Engineering Development, $4,000,000;
SRAM-T, $2,000,000; and
Special Activities, $16,000,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following programs in the specified amounts:
CV-22, $9,900,000;
Defense Nuclear Agency, $30,000,000;
U.S. Japan Management Training, $9,700,000;
Non-AASERT Scientist and Engineer Training, $15,000,000;
Strategic Environmental R&D, $50,000,000;
AIM-9 Consolidated Program, $40,000,000;
Non-Acoustic ASW, $10,000,000;
Manufacturing Technology, $100,000,000;
OSD Support, $20,000,000;
NATO R&D, $28,000,000;
Cryptologic Activities, $5,700,000;
Selected Activities, $19,700,000;
Joint Simulation, $20,000,000;
Manufacturing Managers in the Classroom, $5,000,000;
Kansas State University, $7,700,000;
University of Wisconsin, $1,600,000;
Boston University, $29,000,000;
Medical College of Ohio, $250,000;
University of South Carolina, $500,000;
New Mexico State University, $3,000,000;
University of Texas at Austin, $6,000,000;
Northeastern University, $6,000,000;
Texas Regional Institute for Environmental Studies, $5,000,000;
George Mason University, $750,000;
Monmouth College, $2,300,000;
University of Minnesota, $10,000,000;
University of Saint Thomas, $500,000;
Brandeis University, $2,000,000;
Oregon Graduate Institute, $1,300,000; and
Institute for Advanced Science and Technology, $10,000,000.

Of the funds made available under this heading in Public Law 101-511, the following funds are hereby rescinded from the following programs in the specified amounts:
Critical Technologies Institute, $4,900,000;
Manufacturing Technology, $3,000,000;
Strategic Environmental R&D, $69,000,000;
Balanced Technology Initiative, $5,000,000;
Joint Standoff Weapons, $5,000,000; and
Management Headquarters, $1,000,000.

DEFENSE BUSINESS OPERATIONS FUND

REVOLVING AND MANAGEMENT FUNDS

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following program in the specified amount:
Pentagon Reservation Maintenance Revolving Fund, $82,900,000.

RELATED AGENCIES

INTELLIGENCE COMMUNITY STAFF

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following program in the specified amount:
Intelligence Community Staff, $5,000,000.

TITLE IV

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-104, $500,000 are rescinded.

DEPARTMENT OF ENERGY

GENERAL SCIENCE AND RESEARCH ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-104, $3,350,000 are rescinded: *Provided*, That the amount for project 92-G-302, Fermilab main injector, is reduced to $11,650,000.

DEPARTMENTAL ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 102-104, $500,000 are rescinded.

TITLE V

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

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 by Public Law 101-513, $32,500,000 are rescinded.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

INTER-AMERICAN INVESTMENT CORPORATION

(RESCISSION)

Of the funds made available by Public Law 102-145 as amended for the Inter-American Investment Corporation, $2,000,000 are rescinded.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

(RESCISSION)

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

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEOBLIGATION/REOBLIGATION AUTHORITY

(RESCISSION)

Of the funds made available by Public Law 102-145 as amended, and by prior Acts providing funding for foreign operations, export financing, and related programs for fiscal years prior to fiscal year 1992, under the following headings: "Agriculture, rural development, and nutrition, Development Assistance", "Private sector, environment, and energy, Development Assistance", "Sub-Saharan Africa, Development Assistance" and "Economic Support Fund", $6,320,000 are rescinded: *Provided*, That this rescission shall be made from funds deobligated but continued available by sections 515 or 517 of any such Act (or by any other provision of such Act providing "deobligation/reobligation authority" or "availability of funds"): *Provided further*, That the same proportion of the unobligated balance of the funds continued available for each such heading pursuant to this paragraph shall be rescinded.

AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(RESCISSION)

Of the funds made available by Public Law 102-145 as amended for "Operating Expenses of the Agency for International Development", $40,975 are rescinded.

ECONOMIC SUPPORT FUND

(RESCISSION)

Of the funds made available by Public Law 102-145 as amended for the Economic Support Fund which are not earmarked, $1,100,000 are rescinded.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

(RESCISSION)

Of the funds made available by Public Law 102-145 as amended for "International Military Education and Training", $1,905,000 are rescinded.

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSION)

Of the grant funds made available by Public Law 102-145 as amended for the "Foreign Military Financing Program", $56,100,000 are rescinded: *Provided*, That none of the funds made available by Public Law 102-145 as amended for the "Foreign Military Financing Program" shall be obligated or expended for Peru: *Provided further*, That no earmarked funds shall be rescinded except that up to $5,100,000 of the funds made available by Public Law 102-145 as amended by and earmarked only for Turkey through the provisions of Public Law 101-513 shall be available for rescission under this heading.

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)

Notwithstanding any provision of Public Law 102-145 as amended, Public Law 101-513 or Public Law 101-167, not to exceed $235,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act during fiscal year 1992.

TITLE VI

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

NATIONAL RECREATION AND PRESERVATION

(RESCISSION)

Of the funds made available under this heading in Public Law 102-154, $987,000 for the Calumet Historic District, MI, are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 102-154, $11,365,000 are rescinded, of which $375,000 was made available for the Calumet Historic District, MI; and of which $1,540,000 was made available for the Lewis and Clark Trail Center, NE; and of which $1,750,000 was made available for the Council Bluffs National Trail Center, IA; and of which $7,700,000 was made available for historic restoration projects in Perth Amboy, Trenton, and Paterson, New Jersey.

Of the funds made available under this heading in Public Law 99-190, $7,705,000 for the engineering and construction of the Burr Trail National Rural Scenic Road are rescinded.

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 102-154, $8,593,000 for road sealing are rescinded.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 102-154, $144,000 for the Office of the Federal Inspector for the Alaska Natural Gas Transportation System are rescinded.

TITLE VII

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

GENERAL PROVISION

(RESCISSION)

Of the funds made available in Public Law 102-170 which do not become available for obligation until September 30, 1992, one percentum are hereby rescinded from each applicable appropriation account: *Provided*, That no reduction shall be made under the heading "Payments to States for Child Care Assistance".

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH SERVICE

(RESCISSION)

Of the funds made available in Public Law 102-170 for personnel compensation and personnel benefits for the Public Health Service, $7,000,000 are rescinded.

TITLE VIII

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading, $20,000,000 are rescinded, as follows:

OFFICIAL MAIL COSTS

The funds available under this heading shall be reduced by $20,000,000.

TITLE IX

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

(RESCISSION)

Of the funds provided in Military Construction Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Construction, Navy, 1988/1992, $5,100,000;

Military Construction, Army National Guard, 1988/1992, $1,709,000;

Military Construction, Air Force, 1990/1994, $6,170,000;

Military Construction, Defense Agencies, 1990/1994, $10,000,000;

Military Construction, Army National Guard, 1990/1994, $2,552,000;

Military Construction, Army Reserve, 1990/1994, $649,000;

Military Construction, Army, 1991/1995, $9,000,000;

Military Construction, Air Force, 1991/1995, $6,300,000;

Military Construction, Defense Agencies, 1991/1995, $22,100,000;

Military Construction, Army Reserve, 1991/1995, $2,100,000;

Military Construction, Army, 1992/1996, $8,850,000;

Military Construction, Navy, 1992/1996, $5,400,000;

Military Construction, Air Force, 1992/1996, $5,500,000;

Military Construction, Defense Agencies, 1992/1996, $24,000,000;

Military Construction, Army National Guard, 1992/1996, $600,000;

Military Construction, Air National Guard, 1992/1996, $306,000;

Military Construction, Naval Reserve, 1992/1996, $10,900,000; and

North Atlantic Treaty Organization Infrastructure, 1992/1996, $14,834,000.

TITLE X

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

BRIDGES ON DAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 95-599, $5,000,000 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

LOCAL RAIL FREIGHT ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102-143, $5,000,000 are rescinded.

TITLE XI

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS (HOPE GRANTS)

(RESCISSION)

Of the funds made available under this heading in Public Law 102-139, $14,400,000 are rescinded, of which $6,600,000 is to be derived from funds made available for the HOPE for Public and Indian Housing Homeownership Program; $3,900,000 is to be derived from funds made available for the HOPE for Homeownership of Multifamily Units Program; and $3,900,000 is to be derived from funds made available for the HOPE for Homeownership of Single Family Homes Program.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 102-139, $61,500,000 are rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 102-139 and prior years, $509,400,000 are rescinded: *Provided*, That the amounts earmarked under such headings for expenditure (not including amounts transferred to another account), and other amounts under such heading for fiscal year 1992, shall all be reduced proportionally.

FLEXIBLE SUBSIDY FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 102-139, $11,700,000 are rescinded.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

CONSTRUCTION GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 102-139, $24,000,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 102-139, $4,000,000 are rescinded.

Mr. CHAIRMAN. No amendments to the bill are in order except the amendments printed in part 2 of House Report 102-514. Said amendments shall be considered in the order and manner specified, shall be considered as having been read and shall not be subject to amendment. Debate time for each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

If both amendments printed in part 2 of House Report 102-514 are adopted, only the latter amendment adopted shall be considered as finally adopted and reported back to the House.

It is now in order to consider amendment No. 1 printed in House Report 102-514.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. FAWELL

Mr. FAWELL. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. FAWELL: Strike all after the enacting clause and insert the following:

SECTION 1. APPROVAL OF RESCISSIONS PROPOSED BY PRESIDENT

The budgetary resources specified in the following rescission proposals, transmitted to the Congress by the President pursuant to the Congressional Budget and Impoundment Control Act of 1974, are hereby rescinded:

(1) Rescission proposals R92-2 through R92-7, R92-9 through R92-16, and R92-18 through R92-33, transmitted on March 10, 1992.

(2) Rescission proposals R92-35 through R92-102, transmitted on March 20, 1992.

(3) Rescission proposal R92-34, transmitted on April 8, 1992.

The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. FAWELL] will be recognized for 15 minutes, and the gentleman from Kentucky [Mr. NATCHER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I yield myself 9 minutes.

Mr. Chairman, obviously, I rise for the purpose of supporting the substitute amendment, which basically constitutes the Presidential rescissions which were submitted on March 10 and on March 20 coming to a total of slightly under $5.8 billion. That is to say, slightly less than what the Appropriations Committee submitted in their rescissions.

I do so with a great deal of frustration, not because I do not support the Presidential rescission requests. I most emphatically do support them. I would not say that I necessarily am wild about every one of them, but I certainly am wild about having the President have the right to be able to partake in the appropriations process which is guaranteed to him under the 1974 budgetary act. The only thing we gave to the executive branch was the right to submit a line-item rescission. That is all. It is a wet noodle, really, because if Congress does not do anything in 45 days, guess who loses? The President.

But he has one power there. He does have the right after 25 days have gone by, and 25 days have not gone by since the Presidential rescission bills were filed, but if he waits out the 25 days, the Members who have cosponsored—and I am the chief sponsor of the Presidential rescission bills—have a right to demand that there be a message-by-message vote. At this time there are 96 messages pending, and we can get that debate with only one-fifth of the Members supporting it.

That is the one and only power the President of the United States, representing all of this country, has; whereas we, of course, Members, represent various districts. And it is a very important right. Admittedly, I would say that the President has not seriously, no President has since 1974 seriously used that power. But President Bush is seriously using it because I think he is as frustrated as all of us are frustrated about the debt and the deficit—23 years in a row we have not balanced a budget—$300 billion just on the interest alone; half a trillion dollars of brand new debt this year.

□ 1410

That is why people like Senator RUDMAN and others are just giving up and going home. They are saying you cannot get there from here. Well, we are trying to get there from here in a very little way, and I laud, as I have said, the Committee on Appropriations for not taking the attitude that some in the other body have taken to fill their particular rescissions with veto bait so that we can be assured that we do not get anything at all.

We have a good start. But the Committee on Rules has killed the Presidential rescissions as a practical matter. They theoretically have not killed the April 9 rescissions which are another $2.2 billion, mostly defense rescissions, but they have killed the March 10, the March 20, and the April 8 ones, which mean the President no longer even has a right to come Monday, when I believe the 25 days have gone by; lo and behold, the Committee on Appropriations beat us to the punch. They not only beat us to the punch, they went to the Committee on Rules, and then the Committee on Rules did what I believe is an unbelievably dumb thing. They just said to the bipartisan group that in all sincerity presented to the Committee on Rules the possibility of also having an amendment which could be considered complementary to what the Committee on Appropriations had already done, to add to the $5.8 billion, $6.6 billion more.

We got that by simply determining, after deducting the $2.6 billion from the Presidential rescissions which were not in, and we were able to come up with $7.9 billion. We took away the $2.6 billion, and then we added another $1.3 billion in pork buster rescissions, which really refers to bills that never really saw the light of day and went through the appropriations process, and we said, "Here is $6.6 billion. You do not have to adopt them."

We did not get a project-by-project vote, because you have outmaneuvered us, because we had to wait that 25-day period. But, OK, package it all up, put them all together the good and the bad, but at least give us the opportunity when we consider the rescissions that the Committee on Appropriations is considering to also consider these. No; we did not say you had to even vote for it, just give us the chance to argue it, and we were denied that right.

Therefore, when I say that I am frustrated as I come here, I am frustrated because it is academic. If the people out in that listening land in America think that the President has any opportunity today to win, they are mistaken. We have got a Sophie's choice, and as a practical matter with the king-of-the-hill arrangement, which means that the last amendment to be presented which will be the Committee on Appropriations amendment, that is the one that prevails. In other words, if the President, or if we, have a majority of the people here go with the President, he still loses, because under the so-called king-of-the-hill arrangement, the last bill to be presented, which will be the Appropriations bill, if it gets a majority, and undoubtedly it will, even if the President's bill gets a majority, too, the President loses. It is what I call the Sophie's choice.

We have got twin rescissions here, both of them meritorious, and what we are forced to do is to make a decision between the two. We cannot have both. So no matter what we do it has been decreed that there will only be a $5.8 billion cut in spending. No more than that will be allowed. It is decreed by the Committee on Rules, and that is the frustration about standing up here and talking about the fact that one ought to support the President's rescission.

In fact, everybody on the other side of the aisle, you might as well, if it does not affect your district, because you know very well that the President's rescission bill cannot make it out of this House. The cards are stacked. The dice are loaded. There is no chance whatsoever that it can be done.

But I am here anyway, because I believe what the President is doing is meritorious. He is exercising the rights that this Congress gave to him back in 1974 when, in effect, they took the impoundment power away from an in-

jured President Nixon, who was in no condition to try to ward that off.

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

Mr. NATCHER. Mr. Chairman, I yield myself such time as I may consume.

First, Mr. Chairman, I want to commend the gentleman from Illinois [Mr. FAWELL] in the statements that he has made not only before the Committee today but also before the Committee on Rules. The gentleman before the Committee on Rules and also today has been extremely fair in his statements concerning our committee, and I want you to know that we appreciate it.

Mr. Chairman, we tried to do it right. We tried to do it right on our committee. Every one of the subcommittee chairmen who had the rescission before their subcommittees have tried to do it right and to bring out a good bill.

The gentleman from Illinois has, as the rule provided, the right to offer the President's proposals, 99 rescission requests. We approved 66 of those requests. The President's request, as has been pointed out in general debate this morning, was $5 billion, 662 million. The bill that we have before the committee is for $5 billion, $804 million. We ask the committee to rescind $141 million more than the President requested.

This, as I pointed out a few minutes ago, Mr. Chairman, is the best rescission bill that the Committee on Appropriations has presented since the Budget Act was passed in 1974.

Again, I want to commend the gentleman from Illinois. He has been extremely fair.

Our bill is better than the President's bill, and we recommend this to the Committee.

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

□ 1420

Mr. FAWELL. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I want to respond to one of the points that the chairman has been making. I think it is a point with which all of us are concerned.

Obviously, there is a better way to go about cutting spending than through the rescissions that have been submitted, but that is the whole point here. The process has not worked very well, and I do not think there is anyone in the Chamber who would dispute the fact that the Congress could be saving money. We could be spending less money than we are, and the taxpayers of this country would be better off if we took that position; but political pressures and differing views of what is advisable cause this Congress to spend more money as a group than we need to be spending, and more than any one of us individually can really support.

So when the President says, "I will take the responsibility on my shoulders to send you a list of things I know individually are all popular with somebody," we ought to vote on these things as items. It is something to which the Congress needs to respond.

I supported a rule which would have enabled us to debate these items one by one to try to make individual determinations whether the programs were advisable or not. There are programs in the President's rescission list that I believe we should go forward with.

As a matter of fact, there are a couple that are of particular interest to me, and if I had my choice I would support some of these programs. The Impact Aid Program which is on the committee's list, is one of the most important, and I do not like to see reductions in that particular program; but because of the rule that was adopted by the majority we do not have the luxury of voting on each, as some of my colleagues here suggest. As a result, we have to take this blunt instrument approach, which either affirms or rejects the entire list.

By and large, the list submitted by the President is a very sound list of savings. We might all have objections to individual items, as I have indicated. However, particularly with respect to the military items, as a member of the Armed Services Committee, I can attest to my colleagues that, by and large, these are items that the administration did not request. In tough times we need to make priority decisions and these are items that could be eliminated.

So, Mr. Chairman, I urge my colleagues to support the President's rescission request and vote aye.

Mr. Chairman, it is a rare day in this Chamber when we have the opportunity to consider real cuts in Federal spending. But, fortunately for the American taxpayers, that is what the House is belatedly and finally doing today.

Over the last 5 years, Congress has approved only 0.0165 percent of all rescissions submitted by the President. But, the package before us today, I believe, which will save almost $6 billion, is the largest package of rescissions, or spending cuts, since 1974.

Of course, the House hasn't totally abandoned business as usual, despite the step forward. It is regrettable that the rule under which we are debating these spending cuts—a rule which I voted against—does not require House Members to cast recorded votes on each of the proposals—just up-or-down votes on the President's package versus the Appropriations Committee's package—or, more importantly, to add at least the 1.3 billion dollars worth of additional cuts identified by the bipartisan port busters group. That would have been even more of a victory for the taxpayers.

Mr. Chairman, I rise in strong support of the President's rescissions package which is being offered by the gentleman from Illinois [Mr. FAWELL]. It will end such wasteful spending as $120,000 for a study on the disposal of animal manure, $200,000 on Vidalia onion storage, $1.5 million on a theater in New York City, and another $1 million on a parking garage in Kentucky. These projects would not be killed by the committee's alternative.

There are bigger ticket items as well. For example, the President has proposed eliminating two Seawolf submarines to save nearly $3 billion. The President says the Seawolf is no longer needed as because of the changes in the external threat to our national security. You would think that, since Members of this body come to the well time after time to call for cuts in the Defense budget, they would take every cut the President proposes in the defense budget and add some more.

But, when push comes to shove, it always seems to be the military muscle that ends up being cut so that the military pork can be preserved. The committee alternative cuts just one Seawolf.

Now, I am not saying that there are no good ideas in the committee alternative. There are a number of good ideas, to be sure, and I wish we had the opportunity to add those to the President's package, rather than simply having to choose between the two. We don't have that opportunity today.

I would also point out that I don't think everything in these two packages deserves to be there. The committee, for example, proposes to cut impact aid. The President does not. And on that, I think the President is right.

Impact aid is essential to school districts serving Native American youth, and the need for it, I can attest, is great and growing. We're not talking luxuries. We're talking basics, about replacing condemned and decaying buildings with safe and decent schools and improving the quality of education in the most economically hard-pressed communities in the Nation.

Both the President's package and the committee alternative would also rescind $40 million for the Navy's T–45 alternative engine program. This is despite the fact that a Navy study and analysis resulted in a recommendation to proceed with the T–45 program, and more importantly, that the program could offer $170 million in life-time savings if it were to proceed.

The Apache C model modernization program, too, ought not to be included on the rescission list, in my view. The Army has incurred a $15 billion to $20 billion investment in the AH–64 Apache program and has a requirement to keep the aircraft as a fresh and viable front-line attack helicopter system. The Longbrow radar system to be installed under the Apache modernization program will multiply the combat effectiveness of the Apache.

Unfortunately, though, the only way to get the nearly $6 billion worth of savings in either package is to vote for the two packages in their entirety, and then try to come back and restore funds for the high-priority and justifiable programs later.

Had we been allowed the opportunity to make those adjustments today, we could preclude any disruption and increased costs associated with the delay that some of these rescissions may otherwise cause.

Mr. Chairman, this legislation will by no means solve our Nation's deficit program, but it does represent a significant first step in the direction of more responsible spending. I urge the adoption of the President's package.

Mr. NATCHER. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, I, too, want to join the gentleman from Kentucky [Mr. NATCHER] in commending the gentleman from Illinois [Mr. FAWELL] for submitting this amendment. It gives us an opportunity to see whether or not Members really want to support the President's package of rescissions. If you support the President's package of rescissions, you will vote "yes" on Mr. FAWELL's amendment. You will be voting at that point, for example, for all the reductions in public radio and television facilities grants, which the President proposed. The Appropriations Committee included about one-third of the prosposal. The President requested a rescission of all of the funds appropriated for these grants for fiscal year 1992.

I understand that the basis for the President's rescission requests was, "Were these items in the fiscal year 1992 budget request a year ago?" Today we are looking at the midpoint of fiscal year 1992 and saying we can make some midterm corrections, but we should not go back to the budget of a year ago and use that as a basis for rescissions.

If you vote for the amendment of the gentleman from Illinois [Mr. FAWELL], then you are voting also, for example, to eliminate the increases that were provided for fiscal year 1992 for nurses training, for health professions, for family and internal medicine, and for public health. Those are the kinds of reductions that you will be voting for if you vote for his amendment.

I think the gentleman has provided a service in giving us an opportunity here today to see whether or not you really support the President's package of rescissions.

Mr. FAWELL. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, let me say that if, in fact, your whole decision about which amendment will command your vote, the Fawell amendment or the committee amendment, is a matter of parochial politics, you are going to find plenty of reasons to go one way or the other.

Let me shift the focus a little bit. What we see played out on the floor today and what we saw played out in the Rules Committee yesterday was an epilogue to the greatest power grab in fiscal policy in the history of this country. In 1974, when Congress passed the Budget Act of 1974, they dealt the President out of the process of determining what would be the command of the public's money in the expenditures of Congress and of this Government. The President has tried to project himself back into the process with the most meager prerogatives left to him under the Budget Act. To the extent that he has been able to do so, the Rules Committee has pre-empted that with this ingenious rule that takes away the little bit of rights the President has.

Now, the upshot of this Budget Act of 1974 was to give prerogatives and privileges to Congress and leave the President with accountability. Every parent in America knows when you separate accountability from prerogatives and privilege, you get a perfect formula for irresponsibility, and it is the irresponsibility that has been played out by Congress as they unilaterally commanded the expenditures of taxpayers' dollars since 1974 that has prompted the American people to vote and demand a line item veto.

Today they are seeing how far Congress will go to preserve its power and leave the President out of the equation. If, in fact, you believe the President should be a full participating partner, you ought to vote for his amendment today and signal that to the Congress.

Should we vote down the President's modified rescission package, I say modified by the Rules Committee as they left part of its rescissions out, if you do not want to vote for that today, if we do not pass that today, then I think the President of the United States ought to veto every appropriations bill in its entirety until at least this Congress is willing to live up to the law they wrote in 1974 and honor that only meager participation left to the President as they grabbed that power in 1974.

Let me say, Mr. Chairman, the Budget and Impoundment Reform Act of 1974 has inspired for me Armey's axiom, which is that any time Congress passes a law with the word reform in the title, you should ask yourselves what is being taken away from the American people.

Mr. Chairman, I say vote "yes" on this Presidential rescission. Vote "yes" for some balance of power and authority as our Founding Fathers intended.

Mr. NATCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am going to vote against this amendment. I will vote, if we have a vote, for the base bill.

But I wanted to rise because the previous speaker indicated that this is being exercised unilaterally. He then, however, did go on to say the Constitution of the United States gives to the President extraordinary powers.

As a matter of fact, the President of the United States and this one in particular has the authority of approximately two-thirds of the Members of this House. That is to say that not one nickel, not one nickel, can be spent in America without the President's signature.

Why do I say that? Because he has had 27 vetoes in a row. We have failed to override any of those vetoes. So, effectively, the President of the United States has a two-thirds vote in this body.

Therefore, it is absolutely incorrect to say that this is any kind of a unilateral process. As a matter of fact, it is a process in which the President of the United States has extraordinary authority.

He has now sent down a rescission pursuant to the Budget Act and the Congress is working its will. It is making decisions. It has in fact agreed with the President on about half, just a little short of half of what he proposed.

It has, on the other hand, said that we believe there are alternatives to his proposals which are more appropriate. That is the appropriate legislative process. That is the process the Founding Fathers envisioned in creating two coequal branches of Government, not a branch of Government that might be in the position of saying, well, if the President tells us to do it, then we must do it.

As a matter of fact, that is what the Revolutionary War was all about. We did away with kings. We have a democracy. It is working.

I suggest that we have made our judgments and ought to reject this amendment offered by the gentleman from Illinois.

Mr. Chairman, as to the authority of the President, the Supreme Court of the United States ruled against President Nixon, reasserting the constitutional requirement of the President to spend funds that the Congress enacted and that he had signed into law. The Supreme Court said he has no power to impound. Title X of the Budget Act established a procedure to allow Presidents to impound in partnership with the Congress—that is how the rescission process came into being. The Budget Act dealt the President in, it created a method to reduce Federal spending in consort with another coequal branch of the Government. My friends, that is what we are doing here today, we are letting the process go forward.

Mr. Chairman, what the Appropriations Committee has done is responsible and in the spirit of the title X rescission process. I hope we have put to rest these misapprehensions about the process.

Mr. AUCOIN. Mr. Chairman, I do not want my vote for this bill to be taken as a sign of support for the *Seawolf* attack submarine or any other particular program, and am, therefore, taking this opportunity to explain my position.

I support the House rescission package because it's far preferable to no rescission. In addition, there are a number of nuclear and space weapons in this bill that were designed under defective strategies and defective requirements, and I am pleased to support their rescission. These include the MX, SRAM–T, and ASAT.

At the same time, I believe fiscal year 1992 defense spending should be a great deal less

than we have appropriated, and I therefore would have supported a much broader and deeper rescission package had it been offered. In particular, I regard star wars funding as greatly in excess of that program's use in defending us against third-party nuclear attack, and I wish we had cut this program substantially.

On the merits of the *Seawolf*, there is no doubt that attack submarines would dominate any high-intensity naval conflict in the foreseeable future. Nor is there any doubt that even the latest *Los Angeles* class attack submarines are well behind the state of the art, nor that *Seawolf* would be a great deal better.

But on this point the administration is right; the requirement for *Seawolf* is gone. The next generation, the post-Akula generation, of adversary submarines is never going to appear. The *Los Angeles* class is better and more numerous than the Akula or any other foreign attack sub. This means the *Los Angeles* class is all we'll need for a very long time, including for special operations.

Some have argued that cancellation on the Seawolf is greater than the cost of buying it. The best figures I have been able to obtain say this is not true, by a wide margin.

So, with all due credit to the creators of this excellent ship, I oppose it.

My vote for this rescission bill is not a vote for one *Seawolf*, but a vote against one *Seawolf*. If I had been given the opportunity, I would have voted against both.

Mr. NATCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I just want to respond to the comments of the gentleman from Texas.

A myth which is being promoted by a lot of people in this institution and elsewhere is that our Federal deficits have been caused because the Congress has not cooperated with the White House in passing their economic program.

The fact is that the deficits have been created because the Congress has rolled over and given the Presidents his budget and his tax bills lock, stock and barrel, throughout the eighties.

I defy the gentleman from Texas or any other Member of this House to name me 1 year since 1946 when the Congress has changed any President's budget by more than 3 percent.

□ 1430

The fact is you cannot do it. And that 3 percent difference represents, as the gentleman from Maryland [Mr. HOYER] has indicated, the difference between a President and a king.

We do not elect kings in this country, we elect Presidents. And the fact is that this committee, in the appropriations process, has cut more spending than we have been asked to cut by the President in the last decade.

The investment portion of the budget, which is part of the budget over which the Committee on Appropriations has control, has been cut as a share of the Federal budget by over 40 percent since the day that Ronald Reagan walked into the White House. That is the portion of the budget which must be strengthened if we want this economy to grow so that we can grow out of the recession and provide meaningful jobs for people who are going to be competing to keep their jobs in the international marketplace.

That is what we ought to be focusing on. And we should not be diverted by these smokescreens that suggest a fault which is not there. The fact is this committee's action exceeds the deficit reductions requested by the President; it ought to be adopted and it ought to be adopted without all of the baloney which is accompanying it.

Mr. NATCHER. Mr. Chairman, we have no additional speakers on this side.

The CHAIRMAN. The gentleman from Illinois [Mr. FAWELL] has 1 minute remaining.

Mr. FAWELL. I thank the chairman.

Mr. Chairman, I would like to add that as far as the Presidential requests are concerned, Congress has ignored him. And over the years since 1974, some $63 billion the President has requested in rescissions has been set forth and only about $18 billion has come. The Congress basically has, obviously, the final responsibility regardless of what the President does, regardless of what budget he presents. I think we are all beginning to realize that the Committee on Appropriations has that basic responsibility, but we also have it. And what we are suggesting, I think, in this body is that the Committee on Appropriations will have to open up just a bit and not take offense when people get up on the floor and do question some of your appropriations and do want a part to play because of the serious problems that we have in this Nation.

We just cannot take the viewpoint that an ordinary Member of Congress cannot participate.

Mr. Chairman, I do not think this is baloney, I think it is really serious stuff.

Mr. NATCHER. Mr. Chairman, we yield back the balance of our time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois [Mr. FAWELL].

The question was taken, and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FAWELL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 150, noes 266, not voting 18, as follows:

[Roll No. 112]

AYES—150

Allard
Allen
Archer
Armey
Atkins
Baker
Barton
Bateman
Bereuter
Billirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Cooper
Coughlin
Cox (CA)
Crane
Cunningham
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Fish
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Glickman
Goss
Grandy
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Houghton
Hubbard
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (TX)
Jontz
Kasich
Kennedy
Klug
Kyl
Lagomarsino
Leach
Lent
Lewis (FL)
Lowery (CA)
Marlenee
Martin
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Nichols
Nussle
Orton
Packard
Patterson
Paxon
Penny
Petri
Pickett
Porter
Pursell
Ramstad
Ray
Rhodes
Ridge
Riggs
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Russo
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Sharp
Shaw
Shuster
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Weldon
Wolf
Wylie
Young (AK)
Zeliff
Zimmer

NOES—266

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Bacchus
Barrett
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Gradison
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Huckaby
Hughes
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Kolbe
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Levin (MI)
Lewis (CA)
Lewis (GA)
Lightfoot

Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (OH)
Mineta
Mink
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Parker
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickle
Poshard
Price
Quillen
Rahall
Rangel
Ravenel
Reed
Regula
Richardson
Rinaldo
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Walsh
Washington
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Young (FL)

NOT VOTING—18

AuCoin
Ballenger
Barnard
Boxer
Byron
Campbell (CA)
Campbell (CO)
Dannemeyer
Kolter
Lehman (FL)
Levine (CA)
Moakley
Oakar
Pastor
Valentine
Waters
Weber
Yatron

□ 1452

Mr. FROST and Mr. DYMALLY changed their vote from "aye" to "no."

Messrs. MORRISON, HOBSON, ATKINS, and KENNEDY changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. NATCHER] wish to offer amendment No. 2?

Mr. NATCHER. Mr. Chairman, we do not, and respectfully request final passage.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. BONIOR] having assumed the chair, Mr. GLICKMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4990) rescinding certain budget authority, and for other purposes, pursuant to House Resolution 447, he reported the bill back to the House.

The SPEAKER pro tempore. The amendment in part 1 of House Report 102-514 of the Committee on Rules is considered as having been adopted.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. NATCHER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 412, noes 2, not voting 20, as follows:

[Roll No. 113]

AYES—412

Abercrombie
Ackerman
Alexander
Allard
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
Bacchus
Baker
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Callahan
Camp
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Darden
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—2

Davis
Kennedy

NOT VOTING—20

AuCoin
Ballenger
Barnard
Boxer
Broomfield
Byron
Campbell (CA)
Campbell (CO)
Dannemeyer
Kolter
Lehman (FL)
Levine (CA)
Livingston
Moakley
Oakar
Pastor
Valentine
Waters
Weber
Yatron

□ 1514

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 4990), rescinding certain budget authority, and for other purposes, and that I may include extraneous and tabular material.

The SPEAKER pro tempore (Ms. KAPTUR). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERSONAL EXPLANATION

Mr. LIVINGSTON. Madam Speaker, I was unavoidably detained in a meeting with the President of Honduras a little while ago during rollcall vote No. 113, final passage of H.R. 4900, a bill to rescind $5.8 billion in spending programs. While I object, Madam Speaker, to the inclusion of three projects in the committee bill, had I been present I would have voted "yea."

PERSONAL EXPLANATION

Mr. PASTOR. Madam Speaker, today this body will be considering an important piece of legislation. H.R. 4900 proposes to rescind a number of different budget authorities throughout our Government. In this time of runaway deficits, these rescissions are important in helping to reduce our Nation's debt and saving the taxpayer billions of dollars.

The bill goes beyond the President's proposal and calls for $142 million more in rescissions that was requested. In fact, since 1981 Congress has rescinded a total of $410 million more than requested by President Bush and Reagan.

Official business has required my presence back in my district. Had I been present however, I would like the RECORD to show my position on the following votes cast during today's consideration of H.R. 4990:

Rollcall No. 108 on the question of approving the Journal, I would have voted "aye."

Rollcall No. 109 on the motion to table, I would have voted "aye."

Rollcall No. 110 on moving the previous question on the rule, I would have voted "aye."

Rollcall No. 111 on agreeing to the rule, I would have voted "aye."

Rollcall No. 112 on agreeing to the Fawell amendment to H.R. 4990, I would have voted "nay."

Rollcall No. 113 on agreeing to final passage of H.R. 4990, I would voted "aye."

PERSONAL EXPLANATION

Mr. DANNEMEYER. Mr. Speaker, I was unavoidably absent for rollcall votes 109 through 113. Had I been present during these votes, I would have voted "Nay" on rollcalls No. 109 through No. 111, and "Yea" on rollcalls No. 112 through No. 113.

PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, due to the events in Los Angeles, and in particular the 29th Congressional District, I was unavoidably detained during regular business on May 7. Had I been present for the votes I missed I would have voted as follows:

Rollcall vote 108: "Yes."
Rollcall vote 109: "Yes."
Rollcall vote 110: "Yes."
Rollcall vote 111: "Yes."
Rollcall vote 112: "No."
Rollcall vote 113: "Yes."

LEGISLATIVE PROGRAM

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

Mr. SOLOMON. Madam Speaker, I ask for this time for the purpose of engaging the majority leader in a colloquy about the remainder of the schedule for this week and next.

Mr. GEPHARDT. Madam Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from Missouri for that purpose, if he could enlighten us.

Mr. GEPHARDT. Madam Speaker, I would say to the gentleman there will be no more votes today and no session tomorrow. On Monday, the House will meet at noon. There will not be legislative business. On Tuesday, the House will meet at noon to take up H.R. 2039, the Legal Services Reauthorization Act, the complete consideration, and then six bills on suspension:

First, S. 2344, Veterans' Health Program Amendments of 1992;

Second, S. 452, transfer of administrative authority over certain land to the Secretary of the Interior;

Third, S. 1182, Fishlake National Forest Enlargement Act;

Fourth, H.R. 1514, to disclaim all right to certain lands conditionally relinquished to the United States;

Fifth, H.R. 3681, to establish Democracy Day;

Sixth, H.R. 4384, appeal rights for certain employees of the Veterans' Health Administration.

On Wednesday, May 13, and Thursday, May 14, the House will meet at 2 on Wednesday and at 11 a.m. on Thursday to consider H.R. 2056, the Shipbuilding Trade Reform Act of 1992, H.R. 4111, the Small Business Credit Crunch Relief Act of 1992, and House Concurrent Resolution 287, the concurrent resolution on the budget for fiscal year 1993 conference report.

Mr. SOLOMON. Madam Speaker, if the majority leader would perhaps say again, it is my understanding that there will be no votes on Monday at all.

Mr. GEPHARDT. That is correct.

Mr. SOLOMON. How early might votes occur on Tuesday, would the gentleman have any idea?

Mr. GEPHARDT. The House will meet at noon. There are a number of amendments, four or five, left on the Legal Services bill. They are timed under the rule. I would say about an hour or so after the business begins there is likely to be a vote. There could be, obviously, a vote right after noon, if a quorum call is held or a Journal vote is ordered.

Mr. SOLOMON. If the majority leader would also perhaps tell us, there is word, I am hearing, from the Committee on Rules upstairs that there is a possibility that we might consider the Los Angeles supplemental aid of some kind. Is that possible for next week?

Mr. GEPHARDT. There is no plan at this point, but if there is a decision to try to move with that legislation we will obviously consult with the minority before action is taken.

Mr. SOLOMON. I thank the majority leader.

Mr. GINGRICH. Madam Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Georgia, the minority whip.

Mr. GINGRICH. Mr. Speaker, let me say first of all, on our side, we would look forward to working with the Democratic leadership when the President gets back, if, in fact, he does request some immediate action. I think we may have an opportunity to actually surprise the country and prove we can produce something on a bipartisan basis, and do it fairly quickly.

Let me say, second, I just want to raise the issue, and I do not mean to in any way put the majority leader on the spot, but I would hope that he would go back to his caucus and ask them if we might on Tuesday reach some kind of agreement on the Committee on Rules and C-SPAN. As the gentleman knows, this week has been sort of bizarre, and I think to some extent it got out of hand probably for reasons that are internal to the committee.

It just seemed to those of us, and I know that the majority leader has been one of those who has always been for openness, and those of us who are proud of the House's record over the last 14 years in being remarkably open to the entire planet would like to find some bipartisan way to go back and establish a pattern where, barring genuine secrecy requirements for national security or personnel records, normally committees would routinely accommodate C-SPAN's remarkable practice of coverage without editorial.

I do not mean to put the gentleman from Missouri on the spot, but if he has any comment, or if he might check back with his caucus and let us know next week, I just think it would be a healthy thing for us to reestablish that pattern.

Mr. GEPHARDT. Madam Speaker, would the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Madam Speaker, I thank the gentleman for his inquiry. I am not fully aware of the circumstances that surrounded that deci-

sion by the committee, but I will be happy to talk with the Members and to talk with the Members on the other side about it, including the minority whip, and see what can be agreed upon.

□ 1520

Mr. GINGRICH. I thank the gentleman.

Mr. SOLOMON. I thank the gentleman. Have a nice weekend.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Ms. KAPTUR). Is there objection to the request of the gentleman from Missouri?

There was no objection.

ADJOURNMENT TO MONDAY, MAY 11, 1992

Mr. GEPHARDT. Madam Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4750

Mr. WAXMAN. Madam Speaker, I ask unanimous consent that the name of the gentleman from Pennsylvania [Mr. MURPHY] be removed as a cosponsor on H.R. 4750.

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

There was no objection.

EXTENDING CERTAIN AUTHORITIES RELATING TO ADMINISTRATION OF VETERANS' LAWS

Mr. MONTGOMERY. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2378) to amend title 38, United States Code, to extend certain authorities relating to the administration of veterans laws, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. STUMP. Madam Speaker, reserving the right to object, I do not intend to object, but yield to the gentleman from Mississippi [Mr. MONTGOMERY] for an explanation of S. 2378, as amended.

Mr. MONTGOMERY. Madam Speaker, I thank the gentleman for yielding.

As the gentleman knows, last year the House passed and sent to the Senate, legislation that would have enhanced the ability of VA to deliver quality health care to veterans in several ways. In addition, the legislation would have provided authority for VA to continue several important benefit programs as well. We had thought the other body would accept the bill; however, the bill did not clear the other body prior to adjournment.

It was most unfortunate that we were unable to get the bill to the President. By failing to do so, the authority for VA to continue some very worthwhile programs has now expired. S. 2378 would extend VA's authority to continue these programs.

If enacted, the bill would allow VA to:

Operate and maintain the veterans benefits regional office in the Philippines;

Provide vocational training to certain non-service-connected disabled veterans through this calendar year;

Establish and operate nonprofit research corporations at some VA medical centers through this calendar year; and

Continue to collect data on whether veterans who apply are receiving medical care from the VA during the current fiscal year.

S. 2378 would not increase the deficit. In fact, the enactment of this legislation would save $3 million in fiscal year 1992 and $1 million in fiscal year 1993. At the end of my remarks, I am inserting for the RECORD a copy of the CBO estimate on the bill dated May 5, 1992.

These are all good programs and I urge my colleagues to support S. 2378.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 5, 1992.

Hon. G.V. MONTGOMERY,
Chairman, Committee on Veterans' Affairs,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: At the request of your staff, the Congressional Budget Office has prepared the enclosed cost estimate for S. 2378, a bill to extend certain expiring veterans' programs, as passed in the Senate on April 30, 1992. The bill would affect direct spending and, thus, would be subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985. As a result, the estimate required under clause 8 of House Rule XXI also is attached.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer, Director).

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 2378.
2. Bill title: None.
3. Bill status: As passed in the Senate, April 30, 1992.
4. Bill purpose: To extend certain expiring veterans' programs, and for other purposes.
5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1992	1993	1994	1995	1996	1997
Direct spending:						
Budget authority	−3	−1	0	0	0	0
Outlays	−3	−1	0	0	0	0
Authorization:						
Estimated authorization level	3	3	2	0	0	0
Outlays	3	3	2	0	0	0

Basis of estimate: The following section-by-section cost analysis only those sections of the bill that could be expected to result in a significant budgetary impact.

Section 1: This section would extend through March 31, 1994, the authority of the Department of Veterans Affairs (VA) to maintain a regional office in the Philippines.

[By fiscal years, in millions of dollars]

	1992	1993	1994	1995	1996	1997
Estimated authorization level	3	3	2	0	0	0
Outlays	3	3	2	0	0	0

According to VA $2.4 million in General Operating Expenses funds were spent in 1991 to operate the Manila regional office. This amount was increased in future years for anticipated inflation.

Section 2: This section would extend through December 31, 1992, the authority of the VA to conduct vocational rehabilitation programs for certain compensation and pension recipients.

[By fiscal years, in millions of dollars]

	1992	1993	1994	1995	1996	1997
Budget authority	.....	(1)	(1)	0	0	0
Outlays	.....	(1)	(1)	0	0	0

[1] Less than $500,000.

Fewer than 300 individuals are expected to receive training through these programs during the extension period at a cost of slightly less than $500,000 in 1992 and around $100,000 in 1993.

Section 5: This section would authorize the VA to guaranty the real estate mortgage investment conduits (REMICs) that are used to market vendee loans. This authority would expire on December 31, 1992.

[By fiscal years, in millions of dollars]

	1992	1993	1994	1995	1996	1997
Budget authority	−3	−1	0	0	0	0
Outlays	−3	−1	0	0	0	0

The loans that make up the REMICs affected by this provision are guaranteed against default under current law. In addition to the guaranty against default loss, this provision would authorize the guaranty of timely payment of principal and interest on the certificates issued by the REMIC. The effects of this provision are direct spending because the VA home loan program and all its component accounts are mandatory spending.

Cash reserves and other elements of the REMIC credit structure make the likelihood of delayed payments extremely remote under current law. Therefore, a timely payment guaranty would not significantly affect the government's risk on these loans. Nevertheless, it is estimated by First Boston Corporation, VA's current lead underwriter for REMIC sales, that a timely payment guaranty would reduce the yield that must be offered to investors by 5 to 15 basis points (One percentage point equals 100 basis points), primarily by making VA REMICs look more like other insured REMICs. Reducing the

yield on the certificates would lower the payout to the certificate holders and, thereby, increase the sale proceeds to VA. In addition, certain costs related to the sale would be eliminated, such as Securities and Exchange Commission registration and credit rating.

The above estimate assumes that this legislation will be enacted before the next loan sale, scheduled for the end of May. If enactment is delayed beyond this date, the 1992 savings would fall to $1.5 million.

6. Pay-as-you-go considerations: The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. The spending increases that would result from sections 2 and 5 of S. 2378 would have the following pay-as-you-go impact:

[By fiscal years, in millions of dollars]

	1992	1993	1994	1995
Outlays	−3	−1	0	0
Receipts	(1)	(1)	(1)	(1)

[1] Not applicable.

7. Estimated cost to state and local government: The Congressional Budget Office has determined that the budgets of state and local governments would not be significantly affected by the enactment of this bill.

8. Estimate comparison: None.

9. Previous CBO estimate: On April 3, 1992, CBO issued a cost estimate of S. 2378 as introduced in the Senate. That estimate was identical to the above estimate with the exception of section 5, which was added in an amendment on the Senate floor.

10. Estimate prepared by: K.W. Shepherd.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

CONGRESSIONAL BUDGET OFFICE ESTIMATE[1]

The applicable cost estimate of this Act for all purposes of sections 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follows:

[By fiscal years, in millions of dollars]

	1992	1993	1994	1995
Change in outlays	−3	−1	0	0
Change in receipts	(1)	(1)	(1)	(1)

[1] Not applicable.

Mr. STUMP. Madam Speaker, I thank the gentleman from Mississippi for his explanation.

Madam Speaker, I support passage of S. 2378, as amended, a bill to extend certain necessary authorities relating to the administration of veterans laws. Our chairman, Mr. MONTGOMERY, has explained the bill and I associate myself with his remarks. Also, I want to commend Mr. MONTGOMERY for promptly moving this legislation after the Senate passed it. It seems hard to believe, but here we are in May, and we are still picking up loose ends from last year.

We ended the last session without Senate action on these veterans' authorizations which the House had passed. Hopefully, in this otherwise difficult year, we will be able to act more expeditiously on veterans' legislation.

I urge favorable consideration of these reauthorizations.

[1] An estimate of S. 2378, to extend certain expiring programs for veterans, as passed in the Senate on Apr. 30, 1992. This estimate was transmitted by the Congressional Budget Office on May 5, 1992.

Mr. APPLEGATE. Madam Speaker, I thank Chairman SONNY MONTGOMERY for taking this timely action.

Madam Speaker, I simply want to indicate my support for this bill, as it contains provisions which will permit the Department of Veterans Affairs to operate its Manila Regional Office through March 1994. It also would extend through this calendar year the Secretary's authority to conduct two vocational rehabilitation programs benefiting severely disabled veterans, whether they are suffering from service-connected or non-service-connected disabilities. My Subcommittee on Compensation, Pension, and Insurance will conduct a hearing later this year on these programs with an eye toward making these programs permanent. There are good programs for disabled veterans and I am very pleased to support the bill.

Mr. STUMP. Madam Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2378

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

SECTION 1. AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO MAINTAIN THE REGIONAL OFFICE IN THE PHILIPPINES.

(a) EXTENSION.—Section 315(b) of title 38, United States Code, is amended by striking out "September 30, 1991" and inserting in lieu thereof "March 31, 1994".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 30, 1991.

(c) RATIFICATION OF MAINTENANCE OF OFFICE DURING LAPSED PERIOD.—Any action of the Secretary of Veterans Affairs in maintaining a Department of Veterans Affairs Regional Office in the Republic of the Philippines under section 315(b) of title 38, United States Code, during the period beginning on October 1, 1991, and ending on the date of the enactment of this Act is hereby ratified with respect to that period.

SEC. 2. AUTHORITIES RELATIONS TO CERTAIN TEMPORARY PROGRAMS.

(a) PROGRAM FOR TRAIL WORK PERIODS AND VOCATIONAL REHABILITATION.—Section 1163(a)(2)(B) of title 38, United States Code, is amended by striking out "January 31, 1992" and inserting in lieu thereof "December 31, 1992".

(b) PROGRAM OF VOCATIONAL TRAINING FOR NEW PENSION RECIPIENTS.—Section 1524(a)(4) of such title is amended by striking out "January 31, 1992" and inserting in lieu thereof "December 31, 1992".

(c) PROTECTION OF HEALTH-CARE ELIGIBILITY.—Section 1525(b)(2) of such title is amended by striking out "January 31, 1992" and inserting in lieu thereof "December 31, 1992".

(d) EFFECTIVE DATE.—The amendments made by subsections (a) through (c) shall take effect as of January 31, 1992.

(e) RATIFICATION OF ACTIONS DURING LAPSED PERIOD.—The following actions of the Secretary of Veterans Affairs during the period beginning on February 1, 1992, and ending on the date of the enactment of this Act are hereby ratified with respect to that period:

(1) A failure to reduce the disability rating of a veteran who began to engage in a substantially gainful occupation during that period.

(2) The provision of a vocational training program (including related evaluations and other related services) to a veteran under section 1524 of title 38, United States Code, and the making of related determinations under that section.

(3) The provision of health care and services to a veteran pursuant to section 1525 of title 38, United States Code.

SEC. 3. AUTHORITIES RELATING TO RESEARCH CORPORATIONS.

(a) PERIOD FOR OBTAINING RECOGNITION AS TAX-EXEMPT ENTITY.—Section 7361(b) of title 38, United States Code, is amended by striking out "three-year period" and inserting in lieu thereof "four-year period".

(b) ESTABLISHMENT OF CORPORATION.—Section 7368 of such title is amended by striking out "September 30, 1991" and inserting in lieu thereof "December 31, 1992".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as of October 1, 1991.

(d) RATIFICATION FOR LAPSED PERIOD.—The following actions of the Secretary of Veterans Affairs during the period beginning on October 1, 1991, and ending on the date of the enactment of this Act are hereby ratified:

(1) A failure to dissolve a nonprofit corporation established under section 7361(a) of title 38, United States Code, that, within the three-year period beginning on the date of the establishment of the corporation, was not recognized as an entity the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

(2) The establishment of a nonprofit corporation for approved research under section 7361(a) of title 38, United States Code.

SEC. 4. REQUIREMENT OF ANNUAL REPORT ON FURNISHING HEALTH CARE.

Section 1901(e)(1) of the Veterans' Health-Care Amendments of 1986 (38 U.S.C. 1710 note) is amended by striking out "fiscal year 1991" and inserting in lieu thereof "fiscal year 1992".

SEC. 5. ENHANCED LOAN ASSET SALE AUTHORITY.

(a) AUTHORITY.—Section 3720 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(h)(1) The Secretary may, upon such terms and conditions as the Secretary considers appropriate, issue or approve the issuance of, and guarantee the timely payment of principal and interest on, certificates or other securities evidencing an interest in a pool of mortgage loans made in connection with the sale of properties acquired under this chapter.

"(2) The Secretary may not under this subsection guarantee the payment of principal and interest on certificates or other securities issued or approved after December 31, 1992".

(b) TREATMENT OF PROCEEDS.—Section 3733(e) of such title is amended by inserting ", and the amount received from the sale of securities under section 3720(h) of this title," after "subsection (a)(1) of this section.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Madam Speaker, I ask unanimous consent that all

Members may have 5 legislative days in which to revise and extend their remarks on S. 2378, the Senate bill just passed.

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

There was no objection.

NATIONAL HUNTINGTON'S DISEASE NATIONAL AWARENESS MONTH

Mr. SAWYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 251) to designate the month of May 1992 as "National Huntington's Disease Awareness Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mr. MEYERS of Kansas. Madam Speaker, reserving the right to object, as the chief sponsor of the House version of Senate Joint Resolution 251, I rise in support of this Senate joint resolution.

Huntington's disease is a hereditary neurological disorder which directly affects 1 in 10,000 Americans. The disease produces radical physical changes over a period of 10 to 20 years—affecting coordination, speech, and control of movement—as well as profound mental changes—diminishing the power to think, remember, or reason. The disease causes a very slow deterioration of a person's neurological functions, which is emotionally devastating and very costly for the victims and their families. There is at present no cure and it is a fatal disease.

Recent advances in genetic research have given those who are affected by Huntington's disease hope that an effective treatment and possible cure will soon be found. In 1983, scientists discovered a genetic flag known as a marker, indicating the nearby presence in a person's DNA of the gene which causes Huntington's disease. Dr. Francis Collins, the discoverer of the genes for cystic fibrosis and neurofibromatosis, is one of the many expert researchers around the country working to find the gene which causes the disease. Increased Federal funding of medical research would hasten the search for the Huntington's disease gene.

I firmly believe that the designation of May 1992 as National Huntington's Disease Awareness Month will generate the interest and momentum necessary to increase research funding for Huntington's disease, and to find a cure for this devastating disease.

Madam Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, 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 change 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 gene-site 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.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

THE CHILD SUPPORT ECONOMIC SECURITY ACT OF 1992

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

Mrs. SCHROEDER. Madam Speaker, today I am pleased to introduce the Child Support Economic Security Act of 1992. This bill will strengthen the child support enforcement system to ensure that children have a regular, reliable source of income from their noncustodial parents.

This bill contains 16 distinct measures that tighten the child support enforcement program and close loopholes through which noncustodial parents are able to shirk their financial obligations to their children. It also includes amendments to title II of the United States Code that will make it more difficult for noncustodial parents who declare bankruptcy to avoid their financial obligations to their children and former spouses.

The failure to pay child support is a national disgrace. In 1989, the most recent year for which data are available, there was a $5 billion shortfall between the $16.3 billion owed and the actual amount collected. Each year, just one-half of child support obligations are paid in full, and 25 percent are never made. This bill help children and families owed these obligations.

The media are just beginning to understand what a pervasive problem child support enforcement is. Just recently, the Denver Post published a series of articles on this subject. Last week, Newsweek's cover story focused on deadbeat dads. This week, ABC's "Prime Time" will feature an investigative story on child support enforcement and the McNeil/Lehrer Program also has a story in the works.

But this is not a new story. It is, however, a story whose parameters continue to grow as the number of children living with just one parent continues to grow. Twenty-five percent of children now live in single-parent families, a figure that has doubled over the past 20 years. As a result, the need to improve the collection of child support has become more urgent.

Most children in single-parent families—87 percent—live with their mothers. Since women, on average, earn barely two-thirds of what men earn, most women who head single-parent households are at an economic disadvantage compared with their noncustodial exspouses, and they rely heavily on child support to ease their financial burdens.

In fact, a recent study from the U.S. Bureau of the Census that followed a set of nearly 52,000 children from October 1983 through May 1986, found that within 4 months of their parents' separation, the family income of children declined by 37 percent. Equally disturbing, the percent of children living in poverty increased from 19 to 36 percent in the first 4 months following their parents' separation. And the number of children relying on Aid to Families with Dependent Children [AFDC] doubled during this same timeframe, increasing from 9 to 18 percent. Similarly, the number of food recipients nearly tripled during the first year of parental separation.

What these disturbing facts tell us is that children rely heavily on their father's incomes for support while their parents are living together, and that ongoing support from the noncustodial parent is critical if children are to avoid poverty after their parents divorce.

Since 1975, Congress has been trying to improve the child support enforcement system to ensure that noncustodial parents continue their financial support responsibilities to their children and to keep so many children in single-parent families from tumbling into poverty. In order to expedite child support payments, Congress amended the Child Support Enforcement Program in 1984 and again in 1988. Our intent was to make child support payments a regular, reliable source of income.

But in spite of these reforms, the system still fails to make collections in too many cases.

Everyone, from child support administrators to child advocates, agrees that child support enforcement measures are not working well. Wage withholding of child support payments, the cornerstone of the Child Support Enforcement Program, is not working as well as we would have hoped. In part, this is due to the inability of the system to track missing noncustodial parents and initiate wage withholding procedures. Other nonpayors slip through the system because they do not receive regular wages from an employer.

I receive letters weekly from distraught parents from all over the country who are unable to make ends meet because of child support delinquencies. They write of endless delays, some longer than a year, before child support payments are withheld from the wages of a noncustodial parent. Others report the failure of the system to locate a parent who has moved without leaving a forwarding address. On average, it takes 1 year to locate an absent parent, and 2 years to establish a court order if a parent has deserted. In spite of the best efforts of IV-D agencies around the country, they are too understaffed and too underautomated to handle the volume of cases that pass through the system. This just won't so.

Children who live in a State other than that of the absent parent are in the greatest economic peril. A new study from the General Accounting Office on interstate child support collection found that 1-in-3 noncustodial parents who lives out-of-state has never made a child support payment, and another 232 percent fail to make regular payments. A major factor in nonpayment is the lack of timeliness in locating the noncustodial parent. In one out of four cases the noncustodial parent has left an employer by the time the order to withhold child support is served.

In July, after nearly 2 years of intensive work, the U.S. Commission on Interstate Child Support will present its recommendations for improving interstate child support enforcement to Congress. For some time, the Commission has been circulating drafts of its recommendations for review and comment. The legislation that I am introducing today is based on several of the Commission's recommendations, but in some cases goes further than the Commission in closing loopholes that noncustodial parents have used to avoid paying child support.

The Child Support Economic Security Act of 1992:

Mandates uniform, statewide systems of child support enforcement;

Mandates IV-D agency access to all State and local databases;

Mandates child support payments until the child reaches age 18, graduates from high school, marries, or is emancipated, and extends child support beyond the age of 18 if the child is disabled;

Mandates withholding of child support arrearages from all forms of income, including lottery winnings, insurance payments, and State court awards;

Prevents recording of property transactions unless arrearages have been paid;

Prohibits the provision, renewal, or reissuance of licenses unless provisions are made to pay current support and arrearages;

Mandates reporting to consumer credit reporting agencies of overdue support and allows such information to be reported upon request by consumer credit reporting agencies;

Eliminates the statute of limitation for the collection of arrearages;

Requires the recording of Social Security numbers on marriage licenses and child support orders;

Clarifies the separate treatment of issues related to visitation and child support;

Requires regulations for timely response to interstate locate requests, based on the state of available technology;

Requires States to adopt the Uniform Interstate Family Support Act as adopted by the National Conference of Commissioners on Uniform State Laws;

Establishes a national commission to research and draft national child support guidelines; and

Amends the Federal Bankruptcy Code to ensure that support owned to children and custodial parents is not discharged by a bankruptcy proceeding.

This legislation represents a major step forward to ensure a measure of economic security to children who are dependent on child support payments. The receipt of child support should be as automatic as Social Security benefits are for the elderly.

I urge my colleagues to join with me in cosponsoring this important legislation. As a nation, we must realize that paying child support is a fundamental civic responsibility, and should be as ingrained as paying taxes. While those with child support obligations may choose to run, they should not be allowed to hide. We owe this much to our children.

□ 1530

GALLEGLY BILL TO EXTEND TARGETED JOBS CREDIT TO DISLOCATED DEFENSE WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. GALLEGLY] is recognized for 5 minutes.

Mr. GALLEGLY. Mr. Speaker, I am pleased to introduce today a bill to make dislocated defense workers eligible for the targeted jobs tax credit.

We are fortunate to be living at a time when there are few serious threats to world peace, thanks in large part to the determination and military strength of the United States. We have heard repeatedly the promise of some sort of "peace dividend" as a result of the planned reductions in our defense spending and downsizing of our military forces. The sad truth is that, thanks to the huge budget deficit and outstanding domestic spending programs, whatever peace dividend there might be from projected defense cutbacks has already been committed. Moreover, as a consequence of cutbacks, many of our best-trained, most productive and most patriotic citizens are already paying a steep price for this dividend.

Over the next 5 years, one quarter of our Armed Forces—approximately 450,000 active duty personnel—is scheduled for displacement. In addition, some 150,000 civilians will be let go from their military jobs. According to Business Week magazine, if defense spending is slashed by $150 billion over the next 5 years, as proposed, over 3.3 million jobs will be lost in the private sector.

The Federal Government has an obligation to try to help the millions of Americans who will lose their jobs through no fault of their own, but as a direct result of reductions in defense expenditures that their own contributions to winning the cold war helped make possible. Americans from all walks of life have served their country with pride and distinction, out of patriotic duty and a commitment to fight for peace and freedom and to protect America

from the threat of world communism. Many of them have come to look upon military service as a career. Despite promises of promotion and adventure, thousands of men and women in uniform are suddenly facing forced separation. Their dreams for the future have been dashed in our rush to downsize our military forces to fit the demands of a new world order and meet the needs of a peacetime defense.

Our Nation's defenses include not only the military services, the officers and enlisted men and women on active duty and in the National Guard and the Reserves. They also include the many industries and large and small businesses employing millions of civilian workers who produce the planes, ships, and weaponry, the machines and materials, and the aerospace and electronic tools that have enabled America to remain No. 1 in the world and meet its cold war defense needs. In our eagerness to cut back the defense budget overnight, we are contributing to the current economic recession by pushing many firms into bankruptcy and by throwing their employees out of work, into unemployment lines and onto welfare and forcing their families into anxiety and despair.

Under the circumstances, I believe that we have an obligation to help these victims of demobilization. These men and women have already paid their dues. They have proven that they can hold down a job and carry responsibility; that they have the education, training, experience, and the desire to make a positive contribution to work force productivity and to our Nation's global competitiveness. What these people need most of all is a new job, the opportunity to prove themselves and be productive members of society again. What I propose is the incentive for an employer to hire them and train them for that new job.

I propose that the targeted jobs tax credit [TJTC] be extended to cover dislocated defense workers who, because of reductions in defense expenditures, have lost their jobs through no fault of their own. The new members of this targeted group are all victims of defense cutbacks—those military personnel who are involuntarily separated, but honorably discharged; Defense Department civilian employees involuntarily terminated; and employees involuntarily terminated from defense-related jobs in the private sector. The credit would be available to an employer who hires a dislocated worker within 1 year of his or her separation from a previous defense-related job.

TJTC is a program that has already proven successful in promoting employment opportunities for economically disadvantaged youth, Vietnam-era veterans, cooperative education teenagers, ex-offenders, vocational rehabilitation referrals, and persons on AFDC, SSI, and other general assistance programs. The targeted jobs credit relies on the private sector, rather than Government, using a simple, straightforward fiscal mechanism now available to business. It requires no new Federal bureaucracy nor a welfare handout.

This legislation provides a practical, cost-effective approach to a pressing problem. Given the uncertain state of our economy and the lives that are involved, I urge immediate congressional consideration of this bill.

Mr. Speaker, the text of the bill follows:

H.R. —

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

SECTION 1. DISLOCATED DEFENSE WORKERS TREATED AS MEMBERS OF TARGETED GROUP.

(a) *General Rule.*—Paragraph (1) of section 51(d) of the Internal Revenue Code of 1986 (defining members of a targeted group) is amended by striking "or" at the end of subparagraph (I), by striking the period at the end of subparagraph (J), and inserting ", or", and by adding at the end thereof the following new subparagraph:

"(K) a dislocated defense worker."

(b) DISLOCATED DEFENSE WORKER.—Subsection (d) of section 51 of such Code is amended by redesignating paragraphs (13), (14), (15), and (16), as paragraphs (14), (15), (16), and (17), respectively, and by inserting after paragraph (12) the following new paragraph:

"(13) DISLOCATED DEFENSE WORKER.—The term 'dislocated defense worker' means any individual—

"(A) if—

"(i) the Secretary of Defense certifies that—

"(I) such individual had been involuntarily separated (within the meaning of section 1141 of title 10, United States Code) from the Armed Forces as the result of reductions in defense expenditures, or

"(II) such individual had been involuntarily terminated from civilian employment in the Defense Department as the result of reductions in defense expenditures, or

"(ii) the designated local agency certifies that such individual was involuntarily terminated from employment by an employer (other than a governmental body) as the result of reductions in such employer's business caused by reductions in defense expenditures, and

"(B) if the hiring date is during the 1-year period beginning on the date of the involuntary separation or termination (as the case may be) referred to in subparagraph (A).

For purposes of paragraph (17), any reference to the designated local agency shall, in the cae of individuals referred to in subparagraph (A)(i), include a reference to the Secretary of Defense."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

THE SINEWS OF PEACE AND THE RIVER OF TIME AND THE IMPERATIVE OF ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. EMERSON] is recognized for 5 minutes.

Mr. EMERSON. Mr. Speaker, on March 5, 1946, the former Prime Minister of Great Britain, Winston Churchill, went to Missouri at the request of President Truman and delivered a speech at what was later to become my alma mater, Westminster College, entitled "The Sinews of Peace," otherwise known as "the Iron Curtain speech." It has been said of this speech that it may be regarded as the most important Churchill delivered as leader of the opposition during the period 1945 to 1951.

It contains certain phrases: "The special relationship," "the sinews of peace," which at once entered into general use and which have survived, but it is the passage on "the Iron Curtain" which attracted immediate international attention and had incalculable impact upon public opinion in the United States and in Western Europe.

Russian historians date the beginning of the cold war from this speech. In its phraseology, in its intricate drawing together of several themes to an electrifying climax, this speech may be regarded as a technical classic.

Yesterday, May 6, 1992, Mikhail Sergeyevich Gorbachev spoke from the very same podium Winston Churchill spoke from in 1946 and delivered an address entitled "The River of Time and the Imperative of Action."

Mr. Speaker, at this point in the RECORD I am enclosing Mr. Churchill's speech of March 5, 1946, and Mr. Gorbachev's speech of yesterday.

THE SINEWS OF PEACE

[By Winston Churchill]

I am glad to come to Westminster College this afternoon, and am complimented that you should give me a degree. The name "Westminster" is somehow familiar to me. I seem to have heard of it before. Indeed it was at Westminster that I received a very large part of my education in politics, dialectic, rhetoric, and one or two other things. In fact we have both been educated at the same, or similar, or, at any rate, kindred establishments.

It is also an honour, perhaps almost unique, for a private visitor to be introduced to an academic audience by the President of the United States. Amid his heavy burdens, duties, and responsibilities—unsought but not recoiled from—the President has travelled a thousand miles to dignify and magnify our meeting here today and to give me an opportunity of addressing this kindred nation, as well as my own countrymen across the ocean, and perhaps some other countries too. The President has told you that it is his wish, as I am sure it is yours, that I should have full liberty to give my true and faithful counsel in these anxious and baffling times. I shall certainly avail myself of this freedom, and feel the more right to do so because any private ambitions I may have cherished in my younger days have been satisfied beyond my wildest dreams. Let me, however, make it clear that I have no official mission or status of any kind, and that I speak only for myself. There is nothing here but what you see.

I can therefore allow my mind, with the experience of a lifetime, to play over the problems which beset us on the morrow of our absolute victory in arms, and to try to make sure with what strength I have that what has been gained with so much sacrifice and suffering shall be preserved for the future glory and safety of mankind.

The United States stands at this time at the pinnacle of world power. It is a solemn moment for the American Democracy. For with primacy in power is also joined an awe-inspiring accountability to the future. If you look around you, you must feel not only the sense of duty done but also you must feel anxiety lest you fall below the level of achievement. Opportunity is here now, clear and shining for both our countries. To reject it or ignore it or fritter it away will bring upon us all the long reproaches of the aftertime. It is necessary that constancy of mind,

persistency of purpose, and the grand simplicity of decision shall guide and rule the conduct of the English-speaking peoples in peace as they did in war. We must, and I believe we shall, prove ourselves equal to this severe requirement.

When American military men approach some serious situation they are wont to write at the head of their directive the words "over-all strategic concept." There is wisdom in this, as it leads to clarity of thought. What then is the over-all strategic concept which we should inscribe today? It is nothing less than the safety and welfare, the freedom and progress, of all the homes and families of all the men and women in all the lands. And here I speak particularly of the myriad cottage or apartment homes where the wage-earner strives amid the accidents and difficulties of life to guard his wife and children from privation and bring the family up in the fear of the Lord, or upon ethical conceptions which often play their potent part.

To give security to these countless homes, they must be shielded from the two giant marauders, war and tyranny. We all know the frightful disturbances in which the ordinary family is plunged when the curse of war swoops down upon the bread-winner and those for whom he works and contrives. The awful ruin of Europe, with all its vanished glories, and of large parts of Asia glares us in the eyes. When the designs of wicked men or the aggressive urge of mighty States dissolve over large areas the frame of civilised society, humble folk are confronted with difficulties with which they cannot cope. For them all is distorted, all is broken, even ground to pulp.

When I stand here this quiet afternoon I shudder to visualise what is actually happening to millions now and what is going to happen in this period when famine stalks the earth. None can compute what has been called "the unestimated sum of human pain." Our supreme task and duty is to guard the homes of the common people from the horrors and miseries of another war. We are all agreed on that.

Our American military colleagues, after having proclaimed their "over-all strategic concept" and computed available resources, always proceed to the next step—namely, the method. Here again there is widespread agreement. A world organization has already been erected for the prime purpose of preventing war, UNO, the successor of the League of Nations, with the decisive addition of the United States and all that that means, is already at work. We must make sure that its work is fruitful, that it is a reality and not a sham, that it is a force for action, and not merely a frothing of words, that it is a true temple of peace in which the shields of many nations can some day be hung up, and not merely a cockpit in a Tower of Babel. Before we cast away the solid assurances of national armaments for self-preservation we must be certain that our temple is built, not upon shifting sands or quagmires, but upon the rock. Anyone can see with his eyes open that our path will be difficult and also long, but if we persevere together as we did in the two world wars—though not, alas, in the interval between them—I cannot doubt that we shall achieve our common purpose in the end.

I have, however, a definite and practical proposal to make for action. Courts and magistrates may be set up but they cannot function without sheriffs and constables. The United Nations organization must immediately begin to be equipped with an international armed force. In such a matter we can only go step by step, but we must begin now. I propose that each of the Powers and States should be invited to delegate a certain number of air squadrons to the service of the world organization. These squadrons would be trained and prepared in their own countries, but would move around in rotation from one country to another. They would wear the uniform of their own countries but with different badges. They would not be required to act against their own nation, but in other respects they would be directed by the world organization. This might be started on a modest scale and would grow as confidence grew. I wished to see this done after the first world war, and I devoutly trust it may be done forthwith.

It would nevertheless be wrong and imprudent to entrust the secret knowledge or experience of the atomic bomb, which the United States, Great Britain, and Canada now share, to the world organization, while it is still in its infancy. It would be criminal madness to cast it adrift in this still agitated and un-united world. No one in any country has slept less well in their beds because this knowledge and the method and the raw materials to apply it, are at present largely retained in American hands. I do not believe we should all have slept so soundly had the positions been reversed and if some Communist or neo-Fascist State monopolised for the time being these dread agencies. The fear of them alone might easily have been used to enforce totalitarian systems upon the free democratic world, with consequences appalling to human imagination. God has willed that this shall not be and we have at least a breathing space to set our house in order before this peril has to be encountered: and even then, if no effort is spared, we should still possess so formidable a superiority as to impose effective deterrents upon its employment, or threat of employment, by others. Ultimately, when the essential brotherhood of man is truly embodied and expressed in a world organization with all the necessary practical safeguards to make it effective, these powers would naturally be confided to that world organization.

Now I come to the second danger of these two marauders which threatens the cottage, the home, and the ordinary people—namely, tyranny. We cannot be blind to the fact that the liberties enjoyed by individual citizens throughout the British Empire are not valid in a considerable number of countries, some of which are very powerful. In these States control is enforced upon the common people by various kinds of all-embracing police governments. The power of the State is exercised without restraint, either by dictators or by compact oligarchies operating through a privileged party and a political police. It is not our duty at this time when difficulties are so numerous to interfere forcibly in the internal affairs of countries which we have not conquered in war. But we must never cease to proclaim in fearless tones the great principles of freedom and the rights of man which are the joint inheritance of the English-speaking world and which through Magna Carta, the Bill of Rights, the Habeas Corpus, trial by jury, and the English common law find their most famous expression in the American Declaration of Independence.

All this means that the people of any country have the right, and should have the power by constitutional action, by free unfettered elections, with secret ballot, to choose or change the character or form of government under which they dwell; that freedom of speech and thought should reign; that courts of justice, independent of the executive, unbiased by any party, should administer laws which have received the broad assent of large majorities or are consecrated by time and custom. Here are the title deeds of freedom which should lie in every cottage home. Here is the message of the British and American peoples to mankind. Let us preach what we practise—let us practise what we preach.

I have now stated the two great dangers which menace the homes of the people: War and Tyranny. I have not yet spoken of poverty and privation which are in many cases the prevailing anxiety. But if the dangers of war and tyranny are removed, there is no doubt that science and co-operation can bring in the next few years to the world, certainly in the next few decades newly taught in the sharpening school of war, an expansion of material well-being beyond anything that has yet occurred in human experience. Now, at this sad and breathless moment, we are plunged in the hunger and distress which are the aftermath of our stupendous struggle; but this will pass and may pass quickly, and there is no reason except human folly or sub-human crime which should deny to all the nations the inauguration and enjoyment of an age of plenty. I have often used words which I learned fifty years ago from a great Irish-American orator, a friend of mine, Mr. Bourke Cockran. "There is enough for all. The earth is a generous mother; she will provide in plentiful abundance food for all her children if they will but cultivate her soil in justice and in peace." So far I feel that we are in full agreement.

Now, while still pursuing the method of realising our overall strategic concept, I come to the crux of what I have traveled here to say. Neither the sure prevention of war, nor the continuous rise of world organization will be gained without what I have called the fraternal association of the English-speaking peoples. This means a special relationship between the British Commonwealth and Empire and the United States. This is no time for generalities, and I will venture to be precise. Fraternal association requires not only the growing friendship and mutual understanding between our two vast but kindred systems of society, but the continuance of the intimate relationship between our military advisers, leading to common study of potential dangers, the similarity of weapons and manuals of instructions, and to the interchange of officers and cadets at technical colleges. It should carry with it the continuance of the present facilities for mutual security by the joint use of all Naval and Air Force bases in the possession of either country all over the world. This would perhaps double the mobility of the American Navy and Air Force. It would greatly expand that of the British Empire Forces and it might well lead, if and as the world calms down, to important financial savings. Already we use together a large number of islands; more may well be entrusted to our joint care in the near future.

The United States has already a Permanent Defence Agreement with the Dominion of Canada, which is so devotedly attached to the British Commonwealth and Empire. This Agreement is more effective than many of those which have often been made under formal alliances. This principle should be extended to all British Commonwealths with full reciprocity. Thus, whatever happens, and thus only, shall we be secure ourselves and able to work together for the high and simple causes that are dear to us and bode no ill to any. Eventually there may come—I feel

eventually there will come—the principle of common citizenship, but that we may be content to leave to destiny, whose outstretched arm many of us can already clearly see.

There is however an important question we must ask ourselves. Would a special relationship between the United States and the British Commonwealth be inconsistent with our over-riding loyalties to the World Organization? I reply that, on the contrary, it is probably the only means by which that organization will achieve its full stature and strength. There are already the special United States relations with Canada which I have just mentioned, and there are the special relations between the United States and the South American Republics. We British have our twenty years Treaty of Collaboration and Mutual Assistance with Soviet Russia. I agree with Mr. Bevin, the Foreign Secretary of Great Britain, that it might well be a fifty years Treaty so far as we are concerned. We aim at nothing but mutual assistance and collaboration. The British have an alliance with Portugal unbroken since 1384, and which produced fruitful results at critical moments in the late war. None of these clash with the general interest of a world agreement, or a world organization; on the contrary they help it. "In my father's house are many mansions." Special associations between members of the United Nations which have no aggressive point against any other country, which harbour no design incompatible with the Charter of the United Nations, far from being harmful, are beneficial and, as I believe, indispensable.

I spoke earlier of the Temple of Peace. Workmen from all countries must build that temple. If two of the workmen know each other particularly well and are old friends, if their families are inter-mingled, and if they have "faith in each other's purpose, hope in each other's future and charity towards each other's shortcomings"—to quote some good words I read here the other day—why cannot they work together at the common task as friends and partners? Why cannot they share their tools and thus increase each other's working powers? Indeed they must do so or else the temple may not be built, or, being built, it may collapse, and we shall all be proved again unteachable and have to go and try to learn again for a third time in a school of war, incomparably more rigorous than that from which we have just been released. The dark ages may return, the Stone Age may return on the gleaming wings of science, and what might now shower immeasurable material blessings upon mankind, may even bring about its total destruction. Beware, I say; time may be short. Do not let us take the course of allowing events to drift along until it is too late. If there is to be a fraternal association of the kind I have described, with all the extra strength and security which both our countries can derive from it, let us make sure that that great fact is known to the world, and that it plays its part in steadying and stabilizing the foundations of peace. There is the path of wisdom. Prevention is better than cure.

A shadow has fallen upon the scenes so lately lighted by the Allied victory. Nobody knows what Soviet Russia and its Communist international organization intends to do in the immediate future, or what are the limits, if any, to their expansive and proselytizing tendencies. I have a strong admiration and regard for the valiant Russian people and for my wartime comrade, Marshal Stalin. There is deep sympathy and goodwill in Britain—and I doubt not here also—towards the peoples of all the Russias and a resolve to persevere through many differences and rebuffs in establishing lasting friendships. We understand the Russian need to be secure on her western frontiers by the removal of all possibility of German aggression. We welcome Russia to her rightful place among the leading nations of the world. We welcome her flag upon the seas. Above all, we welcome constant, frequent and growing contacts between the Russian people and our own people on both sides of the Atlantic. It is my duty however, for I am sure you would wish me to state the facts as I see them to you, to place before you certain facts about the present position in Europe.

From Stettin in the Baltic to Trieste in the Adriatic, an iron curtain has descended across the Continent. Behind that line lie all the capitals of the ancient states of Central and Eastern Europe. Warsaw, Berlin, Prague, Vienna, Budapest, Belgrade, Bucharest and Sofia, all these famous cities and the populations around them lie in what I must call the Soviet sphere, and all are subject in one form or another, not only to Soviet influence but to a very high and, in many cases, increasing measure of control from Moscow. Athens alone—Greece with its immortal glories—is free to decide its future at an election under British, American and French observation. The Russian-dominated Polish Government has been encouraged to make enormous and wrongful inroads upon Germany, and mass expulsions of millions of Germans on a scale grievous and undreamed-of are now taking place. The Communist parties, which were very small in all these Eastern States of Europe, have been raised to pre-eminence and power far beyond their numbers and are seeking everywhere to obtain totalitarian control. Police governments are prevailing in nearly every case, and so far, except in Czechoslovakia, there is no true democracy.

Turkey and Persia are both profoundly alarmed and disturbed at the claims which are being made upon them and at the pressure being exerted by the Moscow Government. An attempt is being made by the Russians in Berlin to build up a quasi-Communist party in their zone of Occupied Germany by showing special favours to groups of left-wing German leaders. At the end of the fighting last June, the American and British Armies withdrew westwards, in accordance with an earlier agreement to a depth at some points of 150 miles upon a front of nearly four hundred miles, in order to allow our Russian allies to occupy this vast expanse of territory which the Western Democracies had conquered.

If now the Soviet Government tries, by separate action, to build up a pro-Communist Germany in their areas, this will cause new serious difficulties in the British and American zones, and will give the defeated Germans the power of putting themselves up to auction between the Soviets and the Western Democracies. Whatever conclusions may be drawn from these facts—and facts they are—this is certainly not the Liberated Europe we fought to build up. Nor is it one which contains the essentials of permanent peace.

The safety of the world requires a new unity in Europe, from which no nation should be permanently outcast. It is from the quarrels of the strong parent races in Europe that the world wars we have witnessed, or which occurred in former times, have sprung. Twice in our own lifetime we have seen the United States, against their wishes and their traditions, against arguments, the force of which it is impossible not to comprehend, drawn by-irresistible forces, into these wars in time to secure the victory of the good cause, but only after frightful slaughter and devastation had occurred. Twice the United States has had to send several million of its young men across the Atlantic to find the war; but now war can find any nation, wherever it may dwell between dusk and dawn. Surely we should work with conscious purpose for a grand pacification of Europe, within the structure of the United Nations and in accordance with its Charter. That I feel is an open cause of policy of very great importance.

In front of the iron curtain which lies across Europe are other causes for anxiety. In Italy the Communist Party is seriously hampered by having to support the Communist-trained Marshal Tito's claims to former Italian territory at the head of the Adriatic. Nevertheless the future of Italy hangs in the balance. Again one cannot imagine a regenerated Europe without a strong France. All my pubic life I have worked for a strong France and I never lost faith in her destiny, even in the darkest hours. I will not lose faith now. However, in a great number of countries, far from the Russian frontiers and throughout the world, Communist fifth columns are established and work in complete unity and absolute obedience to the directions they receive from the Communist center. Except in the British Commonwealth and in the United States where Communism is in its infancy, the Communist parties or fifth columns constitute a growing challenge and peril to Christian civilization. These are somber facts for anyone to have to recite on the narrow of a victory gained by so much splendid comradeship in arms and in the cause of freedom and democracy; but we should be most unwise not to face them squarely while time remains.

The outlook is also anxious in the Far East and especially in Manchuria. The Agreement which was made at Yalta, to which I was a party, was extremely favourable to Soviet Russia, but it was made at a time when no one could say that the German war might not extend all through the summer and autumn of 1945 and when the Japanese war was expected to last for a further 18 months from the end of the German war. In this country you are all so well informed about the Far East, and such devoted friends of China, that I do not need to expatiate on the situation there.

I have felt bound to portray the shadow which, alike in the west and in the east, falls upon the world. I was a high minister at the time of the Versailles Treaty and a close friend of Mr. Lloyd-George, who was the head of the British delegation at Versailles. I did not myself agree with many things that were done, but I have a very strong impression in my mind of that situation, and I find it painful to contrast it with that which prevails now. In those days there were high hopes and unbounded confidence that the wars were over, and that the League of Nations would become all-powerful. I do not see or feel that same confidence or even the same hopes in the haggard world at the present time.

On the other hand I repulse the idea that a new war is inevitable; still more that it is imminent. It is because I am sure that our fortunes are still in our own hands and that we hold the power to save the future, that I feel the duty to speak out now that I have the occasion and the opportunity to do so. I

do not believe that Soviet Russia desires war. What they desire is the fruits of war and the indefinite expansion of their power and doctrines. But what we have to consider here today while time remains, is the permanent prevention of war and the establishment of conditions of freedom and democracy as rapidly as possible in all countries. Our difficulties and dangers will not be removed by closing our eyes to them. They will not be removed by mere waiting to see what happens; nor will they be removed by a policy of appeasement. What is needed is a settlement, and the longer this is delayed, the more difficult it will be and the greater our dangers will become.

From what I have seen of our Russian friends and Allies during the war, I am convinced that there is nothing they admire so much as strength, and there is nothing for which they have less respect than for weakness, especially military weakness. For that reason the old doctrine of a balance of power is unsound. We cannot afford, if we can help it, to work on narrow margins, offering temptations to a trial of strength. If the Western Democracies stand together in strict adherence to the principles of the United Nations Charter, their influence for furthering those principles will be immense and no one is likely to molest them. If however they become divided or falter in their duty and if these all-important years are allowed to slip away then indeed catastrophe may overwhelm us all.

Last time I saw it all coming and cried aloud to my own fellow-countrymen and to the world, but no one paid any attention. Up till the year 1933 or even 1935, Germany might have been saved from the awful fate which has overtaken her and we might all have been spared the miseries Hitler let loose upon mankind. There never was a war in all history easier to prevent by timely action than the one which has just desolated such great areas of the globe. It could have been prevented in my belief without the firing of a single shot, and Germany might be powerful, prosperous and honoured today; but no one would listen and one by one we were all sucked into the awful whirlpool. We surely must not let that happen again. This can only be achieved by reaching now, in 1946, a good understanding on all points with Russia under the general authority of the United Nations Organization and by the maintenance of that good understanding through many peaceful years, by the world instrument, supported by the whole strength of the English-speaking world and all its connections. There is the solution which I respectfully offer to you in this Address to which I have given the title "The Sinews of Peace."

Let no man underrate the abiding power of the British Empire and Commonwealth. Because you see the 46 millions in our island harassed about their food supply, of which they only grow one half, even in war-time, or because we have difficulty in restarting our industries and export trade after six years of passionate war effort, do not suppose that we shall not come through these dark years of privation as we have come through the glorious years of agony, or that half a century from now, you will not see 70 or 80 millions of Britons spread about the world and united in defense of our traditions, our way of life, and of the world causes which you and we espouse. If the population of the English-speaking Commonwealths be added to that of the United States with all that such cooperation implies in the air, on the sea, all over the globe and in science and in industry, and in moral force, there will be no quivering, precarious balance of power to offer its temptation to ambition or adventure. On the contrary, there will be an overwhelming assurance of security. If we adhere faithfully to the Charter of the United Nations and walk forward in sedate and sober strength seeking no one's land or treasure, seeking to lay no arbitrary control upon the thoughts of men; if all British moral and material forces and convictions are joined with your own in fraternal association, the high-roads of the future will be clear, not only for us but for all, not only for our time, but for a century to come.

THE RIVER OF TIME AND THE IMPERATIVE OF ACTION

(By Mikhail Sergeyevich Gorbachev)

I

Here we stand, before a sculpture in which the sculptor's imagination and fantasy, with remarkable expressiveness and laconism, convey the drama of the "Cold War," the irrepressible human striving to penetrate the barriers of alienation and confrontation. It is symbolic that this artist was the granddaughter of Winston Churchill and that this sculpture should be in Fulton.

More than 46 years ago Winston Churchill spoke in Fulton and in my country this speech was singled out as the formal declaration of the "Cold War." This was indeed the first time the words, "Iron Curtain," were pronounced, and the whole Western World was challenged to close ranks against the threat of tyranny in the form of the Soviet Union and Communist expansion. Everything else in this speech, including Churchill's analysis of the postwar situation in the world, his thoughts about the possibility of preventing a third world war, the prospects for progress, and methods of reconstructing the postwar world, remained unknown to the Soviet people.

Today, in paying tribute to this prominent statesman, we can evaluate more quietly and objectively both the merits of his speech and the limitations of the analysis which it included, his ideas and predictions, and his strategic principles.

Since that time the world in which we live has undergone tremendous changes. Even so, however paradoxical it may sound, there is a certain similarity between the situation then and today. Then, the prewar structure of international relations had virtually collapsed, a new pattern of forces had emerged along with a new set of interests and claims.

Different trends in world development could be discerned, but their prospects were not clearly outlined. New possibilities for progress had appeared. Answers had to be found to the challenges posed by new subjects of international law. The atmosphere was heavy—not only with hope, but also with suspicion, lack of understanding, unpredictability.

In other words, a situation had emerged in which a decision with universal implications had to be taken. Churchill's greatness is seen in the fact that he was the first among leading political figures to understand that.

Indeed, the world community which had at this time already established the United Nations, was faced with a unique opportunity to change the course of world development, fundamentally altering the role in it of force and of war. And, of course, this depended to a decisive degree on the Soviet Union and the United States—here I hardly need to explain why.

So I would like to commence my remarks by noting that the U.S.S.R. and the U.S. missed that chance—the chance to establish their relationship on a new basis of principle and thereby to initiate a world order different from that which existed before the war. I think it is clear that I am not suggesting that they should have established a sort of condominium over the rest of the world. The opportunity was on a different plane altogether.

If the United States and the Soviet Union had been capable of understanding their responsibility and sensibly correlating their national interests and strivings with the rights and interests of other states and peoples, the planet today would be a much more suitable and favorable place for human life. I have more than once criticized the foreign policy of the Stalinist leadership in those years. Not only was it incapable of reevaluating the historical logic of the interwar period, taking into account the experience and results of the war, and following a course which corresponded to the changed reality, it committed a major error in equating the victory of democracy over fascism with the victory of socialism and aiming to spread socialism throughout the world.

But the West, and the United States in particular, also committed an error. Its conclusion about the probability of open Soviet military aggression was unrealistic and dangerous. This could never have happened, not only because Stalin, as in 1939-1941, was afraid of war, did not want war, and never would have engaged in a major war. But primarily because the country was exhausted and destroyed; it had lost tens of millions of people, and the public hated war. Having won a victory, the army and the soldiers were dying to get home and get back to a normal life.

By including the "nuclear component" in world politics, and on this basis unleashing a monstrous arms race—and here the initiator was the United States, the West—"defense sufficiency was exceeded," as the lawyers say. This was a fateful error.

So I would be so bold as to affirm that the governing circles of the victorious powers lacked an adequate strategic vision of the possibilities for world development as they emerged after the war—and, consequently, a true understanding of their own countries' national interests. Hiding behind slogans of "love for peace" and defense of their people's interests, on both sides decisions were taken which split asunder the world which had just succeeded in overcoming fascism because it was united.

And on both sides this was justified ideologically. The conflict was presented as the inevitable opposition between good and evil—all the evil, of course, being attributed to the opponent. This continued for decades until it became evident that we were approaching the abyss. I am stating this because the world community has paid dearly for the errors committed at this turning-point in world history.

In the major centers of world politics the choice, it would seem, has today been made in favor of peace, cooperation, interaction, and overall security. And in pushing forward to a new civilization we should under no circumstances again make the intellectual, and consequently political, error of interpreting victory in the "Cold War" narrowly as a victory for oneself, one's own way of life, for one's own values and merits. This was a victory over a scheme for the development of humanity which was becoming slowly congealed and leading us to destruction. It was a shattering of the vicious circle into which we had driven ourselves. This was al-

together a victory for common sense, reason, democracy, and common human values.

II

Churchill urged us to think "super-strategically," meaning by this the capacity to rise above the subsidiary problems and particularities of current realities, focusing on the major trends and being guided by them.

What are the characteristics of the world situation today? In thinking over the processes which we ourselves have witnessed, we are forced to conclude that humanity is at a major turning-point. Not only the peoples of the former U.S.S.R., but the whole world is living through this watershed situation. This is not just some ordinary stage of development, like many others in world history. This is a turning-point on a historic and worldwide scale and signifies the incipient substitution of one paradigm of civilization by another.

Since antiquity the progress of humanity has occurred within the framework of regional civilizations and relatively autonomous societies—autonomous in the sense that the interaction among them was not the determining factor in the development of a given state or a given people and did not turn into an all-encompassing interdependence. Before our eyes this pattern of relations is receding into the past. It is being overtaken by powerful global integrating trends due to the far-reaching scientific and technical revolution, the internationalization of economic processes, and the profound transformation of the conditions of human life.

All of this allows us to conclude that there has been a radical change in the very forms of social development which existed in the past—a change in the organization of social life and in virtually every area of human existence. What is more, there has been a change in people's internal world, in how they visualize moral values and social ideals.

These changes, of course, did not start today or yesterday. But it is today, before our eyes and with our participation, that they enter their decisive, watershed phase, when all spheres of human activity—production, economics, finance, the market, politics, science, culture and the like—become integrated on a world-wide scale. This existing and intensifying integration of the world reveals a broad spectrum of favorable opportunities for the future of mankind.

First and foremost, it signifies the possibility of creating a global international security system, thus preventing large-scale military conflicts like the world wars of the 20th century and facilitating a radical reduction in levels of armaments and reducing the burden of military expenditures. This signifies that the attention, and the resources, of the world community can be focussed on solving problems in non-military areas: demography, ecology, food production, energy sources, and the like. This means new opportunities for economic progress, ensuring normal conditions of life for the Earth's growing population and improved living conditions.

We have, in fact, already started moving in that direction. But the significance of these changes, while a great source of hope, should not blind us to the dangers—some of which we have already encountered. It would be a supreme tragedy if the world, having overcome the "1946 model," were to find itself once again in a "1914 model" world. A major international effort will be needed to render irreversible the shift in favor of a democratic world—and democratic for the whole of humanity, not just for half of it.

I am in full agreement with Secretary of State James Baker's formulation. The existing dangers are largely a function of the watershed character of the times we live in * * *. It is quite clear that the enhanced integration and interdependence of the world at the same time creates new tensions—both domestically and internationally—unleashing processes which earlier were hidden from view. The very fact that the two world blocks are no longer in confrontation and that the collapse of totalitarian regimes has released centrifugal forces which had been temporarily frozen—territorial and intergovernmental contradictions and claims—has encouraged an exaggerated nationalism. And this has already led to much bloodshed.

The ending of the global confrontation of nuclear superpowers, and of the ideological opposition between the two world systems, has rendered even more visible today's major contradiction—between the rich and poor countries, between "North" and "South". All these terms today are not merely conventional.

The essence of the situation is not altered by the fact that several countries of the "South" have shaken off poverty and backwardness, while some are treading on the heels of the old developed countries. Still the correlation between poverty and wealth in the modern world has not improved, but has actually deteriorated due to the profound crisis in the countries which have emerged from the USSR. The situation is made worse by the headlong development of world communications and the systematic transmission of information, inculcating in the less developed countries a more intense feeling of social deprivation and even of hopelessness and despair.

Turning now to the world economy, the increasingly close links between national economies and markets is accompanied by intensified international competition, leading to de facto trade wars and a threatened rebirth of protectionism. One of the worst of the new dangers is ecological. When Winston Churchill gave his speech here, most people on this planet did not even suspect a mortal threat from that direction.

But today, global climatic shifts, the greenhouse effect, the "ozone hole," acid rain, contamination of the atmosphere, soil, and water by industrial and household waste, the destruction of the forests, etc., all threaten the stability of the planet. Despite all the efforts being made to prevent ecological catastrophe, the destruction of nature is intensifying. And the effects of our poisoning of the spiritual sphere—drug addiction, alcoholism, terrorism, crime—become further ecological threats. All of this together heightens the probability of social, national, and international conflicts.

Not having understood the transitional character of the present international system, with all its inherent contradictions and conflicts, politicians again risk committing errors which would have the most baneful consequences for all. The prospect of catastrophic climatic changes, more frequent droughts, floods, hunger, epidemics, national-ethnic conflicts, and other similar catastrophes compels governments to adopt a world perspective and seek generally applicable solutions. The only alternative would be an intensification of conflicts throughout the world, instability of political systems, civil wars, i.e., ultimately, a threat to world peace.

This means that we need another understanding of the problems of international security, of national interest, and of the tasks which must be solved to guarantee the survival of humanity. We must explore various scenarios, including the most unfavorable, predicting their occurrence so as to be able to act accordingly. Some experience already exists in various areas: the Persian Gulf, Yugoslavia, Cambodia, Korea, the Caucasus, the Baltic region, the earthquake in Armenia, the Chernobyl disaster. What is important is that all these varied undertakings by the world community bear the imprint of the new atmosphere in the world, one which emerged, among other reasons, thanks to Perestroyka and the New Thinking.

One consequence of increasing world integration is the democratization of international relations. It would seem that all are agreed that the bipolar system has exhausted its potential. The view exists that it will be replaced by a monocentric one. But most people feel that the world will be multipolar. This would probably be acceptable if, of course, one bears in mind that this is not the type of redistribution of roles which was customary in the past.

No, the principle according to which certain states or groups of states could monopolize the international arena is no longer valid. What is emerging is a more complex global structure of international relations. An awareness of the need for some kind of global government is gaining ground, one in which all members of the world community would take part. Events should not be allowed to develop spontaneously. There must be an adequate response to global changes and challenges. If we are to eliminate force and prevent conflicts from developing into a worldwide conflagration, we must seek means of collective action by the world community.

There are chances for peace. This is confirmed by what has happened to the political views of the leaders of the Great Powers in the past few years. What is needed are principles and mechanisms for converting possibility into reality. The principles are generally known. I spoke of them in New York at the United Nations General Assembly in the end of 1988.

III

What has to be done is to create the necessary mechanisms? In my position it is not very appropriate to give them names. It is important that they should be authorized by the world community to deal with problems. Without that there is no point in talking about a new era or a new civilization. I will limit myself to designating the lines of activity and the competence of such mechanisms.

Nuclear and chemical weapons. Rigid controls must be instituted to prevent their dissemination, including measures of compulsion in cases of violation. An agreement must be concluded between all presently nuclear states on procedures for cutting back on such weapons and liquidating them. Finally a world convention on chemical weapons should be signed.

The peaceful use of nuclear energy. The powers of the IAEA must be strengthened, and it is imperative that all countries working in this area be included in the IAEA system. The procedures of the IAEA should be tightened up and the work performed in a more open and aboveboard manner. Under United Nations auspices a powerful consortium should be created to finance the modernization or liquidation of highly risky nuclear power stations, and also to store spent fuel. A set of world standards for nuclear power plants should be established. Work on nuclear fusion must be expanded and intensified.

The export of conventional weapons. Governmental exports of such weapons should be ended by the year 2000, and, in regions of armed conflict, it should be curtailed at once. The illegal trade in such arms must be equated with international terrorism and the drug trade. With respect to these questions the intelligence services of the states which are permanent members of the Security Council should be coordinated. And the Security Council itself must be slightly expanded, which I will mention in a moment.

Regional conflicts. Considering the impartially examined experience obtained in the Middle East, in Africa, in Southeast Asia, Korea, Yugoslavia, the Caucasus, and Afghanistan, a special body should be set up under the United Nations Security Council with the right to employ political, diplomatic, economic, and military means to settle and prevent such conflicts.

Human rights. The European process has officially recognized the universality of this common human value, i.e., the acceptability of international interference wherever human rights are being violated. This task is not easy even for states which signed the Paris Charter of 1990 and even less so for all states members of the United Nations. However, I believe that the new world order will not be fully realized unless the United Nations and its Security Council do not create structures (taking into consideration existing United Nations and regional structures) authorized to impose sanctions and to make use of other measures of compulsion.

Food, demography, economic assistance. It is no accident that these problems should be dealt with in this connection. Upon their solution depends the biological viability of the Earth's population and the minimal social stability needed for a civilized existence of states and peoples. Major scientific, financial, political, and public organizations—among them, the authoritative Club of Rome—have long been occupied with these problems. However, the newly emerging type of international interaction will make possible a breakthrough in our practical approach to them. I would propose that next year a world conference be held on this subject, one similar to the forthcoming ecological conference.

IV

Ladies and Gentlemen: All of these problems demand an enhanced level of organization of the international community. However, even now, at a time of sharply increased interdependence in the world, many countries are morbidly jealous of their sovereignty, and many peoples of their national independence and identify. This is one of the newest global contradictions, one which must be overcome by joint effort. That it can, in principle, be overcome can be seen from the experience of the European communities and, although still to only a slight degree, from the European process as a whole.

Here the decisive role may and must be played by the United Nations. Of course, it must be restructured, together with its component bodies, in order to be capable of confronting the new tasks. These ideas have long been under discussion, and many proposals have been put forward. I myself have no plan of my own for reorganizing the United Nations. I will just address the basic parameters of the changes which are ready for solution.

The United Nations, which emerged from the results and the lessons of the second World War, is still marked by the period of its creation. This is true both with respect to the makeup of its subsidiary bodies and auxiliary institutions and with respect to its functioning. Nothing, for instance, other than the division into victors and vanquished, explains why such countries as Germany and Japan do not figure among the permanent members of the Security Council.

In general, I feel Article 53 on "hostile states" should be immediately deleted from the UN Charter. Also, the criterion of possession of nuclear weapons would be archaic in the new era before us. The great country of India should be represented in the Security Council. The authority and potential of this Council would also be enhanced by incorporation on a permanent basis of Italy, Indonesia, Canada, Poland, Brazil, Mexico, and Egypt, even if initially they do not possess the veto.

The Security Council will require better support, more effective and more numerous peace-keeping forces. Under certain circumstances it will be desirable to put certain national armed forces at the disposal of the Security Council, making them subordinate to the United Nations military command.

The proposal, which I accept, has already been made that a global observation system be established for spotting emergencies. The United Nations Secretary-General should be authorize to put it into action even before a conflict becomes violent. Closer coordination of UN organs with regional structures would only enhance its capacity to settle disputes in the world.

Of course, the UN's contemporary role, and, first and foremost, an expanded and strengthened Security Council, will require substantial funding. The method adopted for financing at the founding of the United Nations revealed its weaknesses just as soon as, some years later, it became more active and came closer to actually carrying out the tasks assigned by its founders. This method must be supplemented by some mechanism tying the UN to the world economy.

My thoughts may, at first glance, appear somewhat unrealistic. But we will count on the fact that business is becoming more humane, that a powerful process of technical and political internationalization is taking place, and that business is achieving an increasingly organic relationship with contemporary world politics into which the seeds of the "new thinking" have been cast. Today democracy must prove that it can exist not only as the antithesis of totalitarianism. This means that it must move from the national arena to the international.

On today's agenda is not just a union of democratic states, but also a democratically organized world community. Thus, we live today in a watershed era. One epoch has ended, and a second is commencing. No one yet knows how concrete it will be. Having long been orthodox Marxists, we were sure we knew. But life once again refuted those who claimed to be know-it-alls and messiahs.

It is clear that the 20th century nurtured immense opportunities. And from it we are inheriting frightful, apocalyptic threats. But we have at our disposal a great science, one which will help us avoid crude miscalculations. Moral values have survived in this frightful century, and these will assist and support us in this, the most difficult, transition in the history of humanity—from one qualitative state to another.

In concluding I would like to return to my starting-point. From this tribune Churchill issued an appeal to the United Nations to rescue peace and progress, but primarily to Anglo-Saxon unity as the nucleus to which others could adhere. In the achievement of this goal the decisive role, in his view, was to be played by force, above all, by armed force. He even entitled his speech the "Musculature of Peace."

The goal today has not changed: peace and progress for all. But now we have the capacity to approach it without paying the heavy price we have been paying these past 50 years or so, without having to resort to means, which put the very goal itself in doubt, which even constitute a threat to civilization. And while continuing to recognize the outstanding role of the United States of America, and today of other rich and highly developed countries, we must not limit our appeal to the elect, but call upon the whole world community.

In a qualitatively new and different world situation the overwhelming majority of the United Nations will, I hope, be capable of organizing themselves and acting in concert on the principles of democracy, equality of rights, balance of interests, common sense, freedom of choice, and willingness to cooperate. Made wise by bitter experience, they will, I think, be capable of dispensing, when necessary, with egoistic considerations in order to arrive at the exalted goal which is man's destiny on earth.

Mr. Speaker, I would note that the Churchill speech of 1946, I believe, defined the world in which we have lived ever since, a world of superpower confrontation and classic competition between two very competitive systems of government and of economics.

I think that we all know that the cold war is now over and that we won. Mr. Gorbachev yesterday made some note of that fact.

I think his speech should bear extensive analysis before we pass judgment on it, but I think it was, indeed, a major speech and one that will be dissected, should be dissected, should be considered into the weeks and months ahead as we all look to the establishment of new structures in the world.

Just as Mr. Churchill's speech in 1946 had great bearing on the ensuing 45 years, I think the speech of Mr. Gorbachev yesterday will have some extensive bearing on the years that lie ahead.

Mr. Speaker, I am including in the RECORD at this point today's article from the New York Times titled "At Site of 'Iron Curtain' Speech, Gorbachev Buries the Cold War."

This is an article that compares the two speeches and describes the setting of the stage as to why Churchill came to Westminster and why Gorbachev came to Westminster.

I do all of this because I think Members would like the opportunity to read both speeches and to understand the significance and the importance of these two historic addresses.

AT SITE OF "IRON CURTAIN" SPEECH, GORBACHEV BURIES COLD WAR

(By Francis X. Clines)

FULTON, MO.—History came full cycle today as Mikhail S. Gorbachev added a postscript of global reconciliation to the "Iron Curtain" speech by Winston Churchill here 46 years ago, but pointedly contended that the United States was the "initiator" of the nuclear arms race.

Speaking at Westminster College, the scene of Churchill's warning in 1946 about Soviet imperialism, the former Soviet leader conceded the Kremlim's "major error" in equating the defeat of fascism in World War II with the inevitable triumph of Communism.

But he argued that the United States and other Western nations erred grievously in failing to realize that Stalin and the Soviet people were too exhausted from the war ever to indulge in fresh military aggression against the West.

"By including the 'nuclear component' in world politics, and on this basis unleashing a monstrous arms race—and here the initiator was the United States, the West—'defense sufficiency was exceeded,' as the lawyers say," Mr. Gorbachev declared. "This was a fateful error." [Excerpts, page A14.]

Speaking as the last President of the now defunct Soviet Union and the Kremlin leader who led the world back from nuclear confrontation, Mr. Gorbachev spent most of his speech looking ahead to a better world strengthened through his prescriptions for a stronger United Nations.

But he also presented a blunt critique of some cherished American underpinnings of the cold war and warned against "the intellectual, and consequently political error, of interpreting victory in the cold war narrowly as a victory for oneself."

Rather than a lopsided victory, Mr. Gorbachev described the end of the cold war as "a shattering of the vicious circle into which we had driven ourselves."

"This was altogether a victory for common sense, reason, democracy, and common human values," he said.

Examining the roots of the cold war, Mr. Gorbachev cited a critical Soviet error in Stalin's inability to grasp post-war politics. But he contended that "the West, and the United States in particular, also committed an error."

"Its conclusion about the probability of open Soviet military aggression was unrealistic and dangerous," he said, differing with the basis of the West's collective defensive strategy of the postwar decades.

"This could never have happened, not only because Stalin, as in 1939-41, was afraid of war, did not want war, and never would have engaged in a major war," he contended. "But primarily because the country was exhausted and destroyed."

Visiting, like Churchill, as a politician finally rebuffed at home but still outspoken in retirement, Mr. Gorbachev spoke to an outdoor gathering and offered a range of proposals for strengthening the United Nations, including the enlargement of the Security Council and the application of stronger sanctions and military force against wayward members.

But the audience, watching him on a sunny day in a simple American heartland setting, was clearly more interested in his pronouncements of the end of the cold war * * * Mr. Gorbachev was reflective and recanted a bit on his own. "Having long been orthodox Marxists, we were sure we knew," he said. "But life once again refuted those who claimed to be know-it-alls and messiahs."

A 'WATERSHED' MOMENT

Mr. Gorbachev's speech was titled "the River of Time and the Imperative of Action," an allusion to his sense that a "watershed" moment had arrived, comparable in its way to the 1946 moment and its need for concerted action. He was applauded repeatedly, particularly in hailing the world's retreat from the abyss, urging global efforts to protect the ecology and warning against trumphalist claims of cold war victory.

The Missouri countryside glistened, with a cluster of cold war nuclear missile silos all but forgotten hundreds of miles to the west. Mr. Gorbachev obviously enjoyed the day, offering Churchill's V for victory hand signal to pleading photographers and giving thanks for a lunch of baked ham and potato salad to the administrators of the 140-year-old liberal arts college of 750 undergraduates.

As in earlier speeches, Mr. Gorbachev warned against the excesses of nationalism reawakened at the end of the cold war, as well as against a "monocentric" view of post-cold-war politics in which one dominant nation, the United States, might prevail over a "multipolar" political world.

He was cheered as he arrived in the sunshine at the speaking platform set before a sculpture by Edwina Sandys, Churchill's granddaughter, celebrating the fall of the Berlin wall. He came as a pensioned politician looking for a foothold in the West on a fund-raising tour for his new Gorbachev Foundation. He spoke gratis and beamed and touched his chest to demonstrate his gratitude as a crowd estimated at 10,000 applauded the college's awarding of an honorary doctor of laws to him.

STRONGER U.N. URGED

The mood in Fulton was serene, considerably less ominous than the one conjured by Churchill.

"A shadow has fallen upon the scenes so lately lighted by the Allied victory," Churchill had declared here on March 5, 1946. "From Stettin in the Baltic to Trieste in the Adriatic an iron curtain has descended across the Continent."

Mr. Gorbachev stood in the Missouri sunshine to proclaim an end to Churchill's alarum, but also to press for a far more strengthened United Nations to deal with the complicated post-Soviet world. In particular, he called for creation of a "special body" to use economic and military means to prevent regional conflicts and for a greatly enlarged Security Council, with such nations as India, Japan, Poland, Mexico, Germany, Brazil, Canada, Indonesia and Egypt as member, even without veto power.

Churchill had declared here, "Nobody knows what Soviet Russia and its Communist international organization intends to do in the immediate future, or what are the limits, if any, to their expansive and proselytizing tendencies."

Today, Mr. Gorbachev stood at the same lectern as Churchill to symbolize the Soviet Union's peaceful demise and look no less uncertainly into the future, hoping this time that nations "made wise by bitter experience" might cast aside "egoistic considerations in order to arrive at the exalted goal which is man's destiny on earth."

PUBLIC SERVICE RECOGNITION WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, what do football coach Knute Rockne, Walt Whitman, Charles Lindburgh, Washington Irving, Nathaniel Hawthorne, and James Thurber have in common? In addition to being distinguished Americans, each was once a public employee. I believe our public employees today continue to distinguish themselves professionally and personally, and I am honored to participate in this special order for Public Service Recognition Week.

From the firefighters who protect our lives and property, to the customs agents fighting the distribution of illicit drugs in our country, to the teachers who help educate our children, the scientists who are working to create safer products and a safer environment for our families, public employees impact our lives in so many ways, but, often, receive little praise or attention for their work. That is wrong, and public service recognition week is an attempt to give all of our public employees the praise, attention, and respect they deserve. Not only from their employers in the administration or in the State and local governments, but from Congress and the American people.

In recognizing our public employees, we are also recognizing the extraordinary work they do. We are recognizing the effort of Neil Armstrong, a public employee, who was the first person on Earth to set foot on the Moon. We are recognizing the efforts of our scientists in the Agriculture Department who created flame-retardant clothing for firefighters. We are acknowledging the important work of Clara Barton, a public employee with the United States Patent Office, who created the American Red Cross. We are recognizing the work of our local government workers who inoculate our children and have helped almost completely wipe out polio and measles. We are giving thanks to our Armed Forces who protect this country with their lives, and who achieved such a stunning victory in Desert Storm. We thank the Naval Research Laboratories who discovered Teflon and plastic wrap. We recognize the individual efforts of Government employees who invented the plastic cornea, the CAT scan to measure brain waves and detect cancer, the first modern computer, the vaccine for meningitis and malaris, radar and sonar, and the bar code scanner now used in most supermarkets.

I could continue to list further contributions by our public sector, but we would be here all day.

□ 1540

Suffice it to say, our public servants impact almost every aspect of our lives. We are not only grateful for their work and professionalism, we are a better country for it.

Public employees were a critical component of our victory in Desert Storm, which I mentioned previously, and this Congress honored them for it. That was an event that we focused on as a Nation, and because we focused on it as a Nation, we saw the performance immediately before us on our television screens, on the front pages of

our newspapers and we heard it on the radio; but it is the day-to-day, the week-to-week, the month-to-month, and indeed the year-to-year performance of our public employees that enhances our lives.

We as policymakers are not doing as well as we ought to. The American public have evidenced that very forcefully. They have indicated in poll after poll that we are not doing the job that needs to be done to solve the critical problems confronting our country. I think they are right on that. I think they have a right to be angry about the failure of the Congress and the President and indeed other public bodies to act decisively and effectively to solve the problems of education, health care, and law enforcement, infrastructure, the environment, and energy. The list of issues that we need to address is a long one. But they should not and hopefully will not confuse the day-to-day and month-to-month performance of our public employees who perform their duties assigned to them with dispatch, with effectiveness, with high morale, with the failure of policymakers.

I have as a member of the Subcommittee on Labor-Health and Human Service-Education of the Committee on Appropriations and as a member of the Subcommittee on Treasury-Postal Service-General Government of the Committee on Appropriations asked, Mr. Speaker, almost every leader who has been brought in by either the Reagan administration or the Bush administration into government to oversee the various Departments of our executive side of the government. I have asked them to compare the performance of the public employees who they then supervised with those they supervised before.

Uniformly, Mr. Speaker, they have said that their talents, their morale, their commitment, their energy was equal and in many cases surpasses that which they found in the private sector.

So I am proud to rise in behalf of public employees and point out that a recognition week is not enough. Every day we need to remember the service they give to this country.

Mrs. MORELLA. Mr. Speaker, I just simply want to recognize the fact that this is National Employee Recognition Week. Mr. Speaker, we take the services of our Federal employees for granted. There is not one of us in this House of Representatives or in the Senate or in the United States whose life is not touched every single day by the services of a Federal employee.

Mr. Speaker, I am very fortunate because my district in Maryland is home to a great number of Federal employees and Federal agencies, such as the National Institutes of Health, the National Institute of Standards and Technology, the Food and Drug Administration, Health and Human Services, National Oceanographic and Atmospheric Agency, and a whole litany.

Mr. Speaker, we depend on NASA for things that we do, we depend on Social Security and all of the agencies that touch our lives.

We sometimes tend to forget those people who go to their jobs every day, who serve us in so many ways and help us as Members of Congress with our constituencies, too.

So, Mr. Speaker, I want to point out today that it should not just be 1 week, it should not be just 1 day, it should be every day that we look to these human beings who have given their careers for public service.

In addition, it is a fact that they are not only involved in public service of their professions, but my experience has been that they are very generous with giving their time for community services.

In my area, as an example, many of them work during their own time in an organization called Inter-Generations, where the elderly are put together with very young people so they can combine the experience of old age with the excitement and wisdom of children, the joy of children.

They are involved in repairing houses, such as when we had Christmas in April just recently. They are involved in so many community service enterprises. Environmentally, they have done a lot of cleanup work.

But it is every day that these civil servants are there and they do in fact serve us. Money can be put into agencies, but if you do not have people running the agencies in a very diligent, committed manner, then we are not going to achieve that global competitiveness and the greatness that is America.

So, Mr. Speaker, I salute our Federal employees. I call it to the attention of this House that we really should recognize people who have devoted their lives to public service.

Mr. FAZIO. Mr. Speaker, I rise today, along with the other members of the bipartisan Federal Government Service Task Force to commemorate Public Service Recognition Week, and to pay tribute to the 20 million Americans who do the essential work of our Nation.

As Grover Cleveland said, when he accepted the nomination for Governor of New York back in 1882:

> Public officers are the servants and agents of the people, to execute the laws which the people have made.

And today, the American system of government is maintained by a public work force that serves us on all levels—Federal, State, and local.

This work force consists of managers, administrators, and workers in all functions of our government—from foreign service to internal revenue to Social Security. We are supported by teachers, firefighters, law enforcement personnel, postal workers, secretaries, health care workers, shipbuilders, Treasury workers, accountants, garbage collectors, engineers, and claims representatives—to name a few. These folks perform a wide range of services which sustain the framework of our government.

Our public work force tackles our environmental challenges and safeguards and enhances our lives and communities. More than 2 million public employees guard our Nation through service in our Armed Forces. Nearly every child in America is educated by public school teachers, and 95 percent of our children entering school are vaccinated by public employees, protecting them against major disease.

Public Service Recognition Week will raise public awareness of these contributions by informing the public of the nature and value of the efforts of our public work force. It will also serve to boost the morale of these employees, as we acknowledge and show our appreciation for their work and give them the high profile that they deserve.

This week, over 1,000 cities across the country will participate in festivities honoring our public work force, as well as its veterans and retirees. Major activities are planned here in Washington, DC this weekend, where government agency employees will transform the National Mall into a who's who and what's what of government.

Mr. Speaker, I am pleased to be an original cosponsor of the legislation designating May 4 through 10 of this year as Public Service Recognition Week, and would like to thank my colleagues, Congressman JIM MORAN and Senator PAUL SARBANES, for introducing this joint resolution. I would also like to acknowledge both the Public Employees Roundtable and the President's Council on Management Improvement for their sponsorship of this celebration.

I know that I speak for all of us here in Congress, and for all Americans, when I say that we truly appreciate the contributions that our public work force makes to our Nation.

Ms. NORTON. Mr. Speaker. I welcome this opportunity to pay tribute to millions of frontline public servants who work every day with too little recognition.

Public Service Recognition Week can help revive the declining attractiveness of public service at a time when the public and private sectors are in a fierce competition for the available pool of talent. Paul Volcker's National Commission on Public Service warned of the quiet crisis public service faces as skilled senior employees leave government and talented young people shun public service. To compete, the Federal Government must become competitive. It must be willing to adopt the prescriptions it urges on the private sector—from full equal opportunity to greater efficiency.

The Federal sector must certainly become competitive with wages and benefits. The new entrepreneurial generation shops before it buys and too often it passes by the government. Today's talent pool knows that the competition for Federal employment today are more often IBM, Ford, and AT&T than the States and cities.

As the Member from the District of Columbia, I have an especially strong appreciation for the value and the importance of public service. The Federal Government is not only

the largest employer in the country, it is the largest in the District. Nearly 90,000 District residents work for the Federal Government and nearly 42,000 are retired from Federal Service.

We are proud to be a city of public service. The residents of the District of Columbia are our Nation's frontline public servants. Like public servants all over the country and at all levels of government, they are always there for us. We in the Congress must be there for them and for more like them.

Ms. PELOSI. Mr. Speaker, I rise to join my colleagues in designating the week of May 4–10, 1992 as "Public Service Recognition Week." I commend Congressman MORAN for introducing House Joint Resolution 430 on behalf of the Federal Government Service Task Force, and thank all of the Members who supported this resolution which has been sent to the White House for the President's signature.

Mr. Speaker, Public Service Recognition Week is a part of the annual nationwide celebration honoring the 20 million public employees at the Federal, State, and local levels. This week presents us with an opportunity to thank public employees for their hard work in keeping our cities, States, and Nation running smoothly.

Many Federal, State, and local workers have made special contributions to our country. Government employees have discovered the AIDS virus, invented the first modern computer, developed the vaccine for meningitis, created flame-retardant clothing for firefighters, and contributed to countless other societal developments.

Perhaps even more importantly, we would be unable to function as a nation without the day-to-day dedication of public employees who teach our children, protect our environment, help keep our cities safe, ensure our national security, conduct health research, and perform numerous other vital tasks for people throughout the United States. I want to take this opportunity to especially thank the government workers in the San Francisco Bay area who make it such a great place in which to work and live.

Mr. Speaker, public employees merit recognition for their daily contributions to the well being of our communities, and I join Americans throughout our Nation in thanking them for making this a better and stronger nation.

THE SALE OF F–15 AIRCRAFT TO SAUDI ARABIA

The SPEAKER pro tempore (Mr. KOSTMAYER). Under a previous order of the House, the gentleman from Kentucky [Mr. MAZZOLI] is recognized for 5 minutes.

Mr. MAZZOLI. Mr. Speaker, I rise to speak for a few moments on the question of the proposed sale of F–15 aircraft by the United States to the Kingdom of Saudi Arabia.

Mr. Speaker, it was just barely over a year ago that the gulf war ended. When the gulf war ended, I made from this well suggestions that the United States, our Nation, should use this golden opportunity, this moment of respite, this hiatus, in order to install and impose a total embargo on arms sales to that troubled region of the world.

I suggested that the arms embargo should extend not just to our enemies or to countries with which we have had a tenuous and difficult relationship, but to fervent friends and allies as well throughout the entire region.

A very famous American speaking just a few feet from where I am standing on March 6, 1991, again just a bit over a year ago, made a very important statement in which that famous American said these following words:

> We must act to control the proliferation of weapons of mass destruction and the missiles used to deliver them. It would be tragic if the nations of the Middle East were now in the wake of war to embark on a new arms race.

Of course, Mr. Speaker, that famous American is our President, George Bush, who in March last year, signaling the end of the gulf war, stood on that rostrum and said those words, which I remember were reacted to by the general applause in this Chamber, and I am sure by all the viewing public in the United States and around the world, because it signaled a change of business.

But what has been the result in this year plus a month or so? Well, it has been business as usual, the arms business as usual, more of the same, increased, not decreased deliveries of weapons systems.

The United States, according to figures that I have seen, has in this year since the end of the gulf war sold at lest $15 billion worth of armaments to the Kingdom of Saudi Arabia.

Now the President, Mr. Speaker, is on the verge of sending up to the Hill for our approval or disapproval a request for the sale of 72 F–15 aircraft, again to the Kingdom of Saudi Arabia.

Mr. Speaker, I think this is a particularly inopportune, untimely, and I think unwise moment in the history of the world and in the history of the Middle East for this request to be made and for that request to be accèded to by this Congress. It seems to me that at this moment we ought not to be sending weapons of death and destruction, but we ought to be sending weapons, if you will, to correct the social ills, to correct the environmental problems left in the wake of the war, to educate the people, to give them health care, but not deliver weapons of destruction.

After all, the region is only still settling down. It is still in a state of flux. The post-war regional peace talks that were convened under the joint aegis of the United States and of the Soviet Union, now Russia, are now being pursued to an end, not as quickly as I would like, but there are some certain portents that peace could ensue.

It would be I think a jarring inconsistency with these peace talks to send destabilizing armaments into that very region.

Mr. Speaker, later this month there will be international arms control conferences, starting here in Washington, hoping to lead to a moment where the major nations of the world would not ship arms with abandon around the world.

And in June, 1 month hereafter, the Israeli Government will have its elections and, of course, those elections are looked at very carefully to be indications of the future from the standpoint of the peace talks and how they will be concluded.

Again, Mr. Speaker, these are not propitious times for the United States to consider selling arms in the region.

I would, therefore, Mr. Speaker, hope that the president will not send that request for 72 F–15's up to the Hill. But, if the President feels constrained to make that request, I hope that this Congress will, in the cause of peace, deny that request, reject it out of hand, and give peace a chance.

INTRODUCTION OF H.R. 5100, THE TRADE EXPANSION ACT OF 1992

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today I am introducing H.R. 5100, the Trade Expansion Act of 1992, a bill to strengthen the international trade position of the United States. This bill reflects a sincere effort to bring all of us together, Democrats and Republicans, the Congress and the Administration, to tackle our Nation's trade problems in a bipartisan manner. I recognize that the administration and some of my colleagues may prefer not to consider a trade bill at all this year. They would prefer to have us wait until the Uruguay round of the GATT and a North American Free-Trade Agreement can be successfully negotiated. As a Member who supported the extension of fast-track authority to pursue such negotiations and who worked diligently for its passage, I say that is not good enough.

First of all, we all recognize that neither agreement, even if successfully negotiated, will fundamentally address our major trade problem. That is, our country's persistent trade deficit with Japan. As the round continues to bog down over an impasse with the European Community over agriculture, our economic situation continues to deteriorate. Increasing numbers of United States jobs are being lost due to layoffs and plant closings as the United States market continues to absorb more and more Japanese imports, while the Japanese market continues to be restricted to United States exports, particularly in the automotive sector.

While the United States trade deficit with the world has been cut in half in recent years, our deficit with Japan remains stubbornly high. The United States trade deficit with Japan was $57 billion in 1987, but it was still $43 billion last year. And most of that deficit was in autos and auto parts. Our trade deficit with Japan is

expected to worsen again next year. Meanwhile, Japan's trade surplus with the rest of the world was $78 billion last year, up from $64 billion in 1990.

While I disagree with those who argue that a trade bill is unnecessary, I am also aware that some of my congressional colleagues would like to ignore our international obligations and pass a trade bill which restricts access to our market. Although such an approach might be politically popular particularly in this, an election year, we all know it would not be in the best long-term interests of our country. Exports are an essential component of economic growth in the United States. In fact, increased exports have been the one bright spot in the recession. Closing our market would inevitably lead to the closing of foreign markets to U.S. exports and the loss of U.S. jobs. On the other hand, the United States cannot continue to be a chump for the rest of the world. We must aggressively pursue the elimination of trade barriers around the world which restrict access to U.S. exports, and pursue the golden rule of trade: "Do unto others, as they do unto us."

Mr. Speaker, my bill is both responsive to the trade problems this country is facing and is responsible. Every provision in the bill is consistent with our international trade obligations.

The bill would extend the Super 301 authority which was enacted in the 1988 omnibus trade bill and proved effective in opening markets during its 2-year existence. Its extension will give the administration an important tool to pry open foreign markets which are now closed to U.S. exports. The bill also incorporates the provisions of Mr. Matsui's Trade Agreements Compliance Act, which provides an effective mechanism for private parties to work with the Government to insure that commitments made by our trading partners to open markets are fully carried out.

The bill provides a comprehensive scheme to address the trade problems we are experiencing with Japan in the automotive sector. It sets forth a two-pronged approach, aimed primarily at opening the Japanese market to United States exports of automobiles and automobile parts through the mandatory initiation of a section 301 investigation and negotiation of an access agreement. It also would allow some breathing space for United States manufacturers in the domestic market by mandating the negotiation of a voluntary restraint agreement between the United States and Japan to freeze the total number of Japanese vehicles which can be sold in the United States market to 1992 levels. Such an agreement, if successfully negotiated, would be in effect through 1999, and would allow for growth in the United States market to the same extent as United States exports of automobiles to Japan are allowed to grow. I want to emphasize that this provision asks nothing more of the administration than the European Community was able to deliver for its automobile manufacturers and workers in its voluntary restraint agreement with Japan concluded last year. Such an agreement would be consistent with our international obligations in light of the draft Dunkel text which would permit each GATT signatory to maintain a single voluntary restraint agreement, notwithstanding other GATT rules.

The bill also creates a more effective mechanism for preventing circumvention of outstanding antidumping and countervailing duty orders while further strengthening such laws in a GATT consistent manner. It also expresses the congressional position that the administration remain strong in resisting efforts to fundamentally weaken such laws in the Uruguay round.

Among the other important provisions in the bill is the Customs Modernization Act, which streamlines customs procedures for processing merchandise to the benefit of both the Government and the private sector; a mandate to negotiate international agreements to address the trade problems resulting from private anticompetitive behavior; and a provision to limit imports of machine tools from Taiwan to previously established levels pending an agreement to extend the expired voluntary restraint agreement with Taiwan. A detailed summary of the bill's provisions is appended to my statement.

Mr. Speaker, I strongly believe that this bill represents an important step forward in resolving our Nation's trade problems. I look forward to working with the administration and my colleagues on both sides of the aisle, to improve this legislation as it moves through the legislative process. We must work together to put our economic house in order and this legislation can contribute significantly to that end.

SUMMARY OF H.R. 5100, THE TRADE EXPANSION ACT OF 1992

TITLE I. MARKET ACCESS PROVISIONS

Subtitle A—Enforcement of United States rights under trade agreements and response to certain foreign trade practices

Section 101. Extension of "Super 301" Authority for 5 Years.

Extends "Super 301" authority under section 310, Trade Act of 1974 for 5 years, 1993–1997. "Super 301" requires the U.S. Trade Representative (USTR) to identify annually, based on specific criteria, priority foreign countries and priority practices, including major barriers and trade-distorting practices, for trade liberalization negotiations and initiation of "section 301" investigations.

Section 102. Sense of Congress Regarding the Implementation of "Super 301".

Expresses the sense of the Congress that foreign countries that have substantial and persistent trade surpluses with the United States and maintain acts, policies, or practices that are major barriers to, or distortions of, potential U.S. export trade should be identified as priority countries and the acts, policies, or practices as priority practices under "Super 301".

Section 103. Review of the Compliance by Foreign Countries with Bilateral Trade Agreements.

Incorporates the "Trade Agreements Compliance Act", H.R. 1115, as amended and reported by the Subcommittee on Trade, to provide procedures (as a new section 306A of the Trade Act of 1974) for annual USTR reviews upon private sector request of foreign compliance with bilateral trade agreements, except the U.S.-Israel and U.S.-Canada free trade agreements; affirmative findings within 90 days of noncompliance mandate "section 301" action.

Section 104. Increased Access of United States Rice and Rice Products to the Japanese, Korean, and Taiwanese Markets.

Requires the USTR, within 45 days after enactment, to self-initiate a "section 301" investigation of all acts, policies, and practices of Japan, Korea, and Taiwan that affect the access of U.S. rice and rice products to each of these markets. During the investigation, the USTR shall seek the elimination of these acts, policies, and practices either during the Uruguay Round of GATT Multilateral Trade Negotiations or on a bilateral basis. The USTR must report to the Congress by March 1, 1993, whether and to what extent the negotiations have been successful, or the reasons and proposed actions if they are not successful.

Subtitle B—International trade in motor vehicles and motor vehicle parts

Section 111. Increased Access of United States Motor Vehicles and Motor Vehicle Parts to the Japanese Market.

Requires the USTR, within 45 days after enactment, to self-initiate a "section 301" investigation of all acts, policies, and practices of Japan (including those used in the distribution system, the toleration of systematic anticompetitive activities by or among private firms, including Keiretsu relationships, exclusionary business practices, and government regulation and testing requirements) that affect access to the Japanese market for exports of motor vehicles and motor vehicle parts produced by U.S. manufacturers.

Requires the USTR, during the investigation, to seek a trade agreement with the Government of Japan that

Eliminates or modifies those aspects of the acts, policies, and practices that act as barriers to the Japanese market for U.S. exports of motor vehicles and motor vehicle parts;

Provides for prompt implementation and enforcement of prior commitments made by the Japanese Government with respect to trade in, and purchase of, U.S. motor vehicle and motor vehicle parts by Japanese vehicle manufacturers;

Establishes longer-term goals for the purchase by Japanese vehicle manufacturers of high value-added motor vehicle parts and accessories from U.S. manufacturers through immediate parts sourcing arrangements and "design-in" projects aimed at new model development; and

Establishes procedures for exchange of information between appropriate U.S. and Japanese Government agencies that will permit accurate assessment of bilateral trade in motor vehicles and motor vehicle parts, particularly the extent of Japanese purchase of parts produced by U.S. manufacturers.

The USTR should seek the support of other interested foreign governments in obtaining such an agreement.

If the negotiations are not successful, the USTR must submit to the Congress a report detailing the reasons why and setting forth the actions that will be taken or proposed.

Section 112. Voluntary Restraint Agreement Regarding the Exportation to the United States of Motor Vehicles From Japan.

Requires the President to negotiate a voluntary restraint arrangement (VRA) with Japan providing for the limitation by Japan of exports of automobiles and light trucks to the United States during each of the years 1993 through 1999:

In any restraint year, the number of vehicles exported from Japan to the United States plus the number of vehicles produced by U.S. subsidiaries of Japanese manufacturers cannot exceed that aggregate number in 1992;

Exports of vehicles from Japan to the United States in any restraint year cannot exceed the number exported to the United States in 1992, reduced by total production of

vehicles by U.S. subsidiaries of Japanese manufacturers in the preceding year;

The export level and aggregate ceiling shall increase in 1994 by any increase in the number of vehicles imported by Japan from the United States in 1993, but in any year after 1994 only by the amount that were produced and exported by the Big Three manufacturers if not at least a majority of exported vehicles were produced by the Big Three manufacturers in the preceding year.

Authorizes the President to carry out such actions as may be necessary or appropriate to enforce any restriction, condition, or term of the VRA, including requirements that valid export licenses or other documentation issued by the Government of Japan be presented as a condition for entry of vehicles into the U.S. customs territory.

Conditions the implementation and continuation of the VRA on an annual determination by the President that each of the Big Three have made and are fulfilling satisfactory commitments to implement further specific measures (1) to be internationally competitive in the automotive sector (e.g., investment of earnings in production-process and management efficiencies); (2) production of cost-competitive and quality-competitive products; (3) exercise of price restraint; (4) payment of executive compensation commensurate with corporate performance; and (5) operation of programs for worker retraining and other adjustment assistance.

Determinations will take into account an annual report from the International Trade Commission (ITC) to the President and to the House Ways and Means and Senate Finance committees on industry fulfillment of the commitments; the ITC will also report on the economic effects of the VRA and the international trade performance of each motor vehicle manufacturer.

The President must submit a report to the Congress within 6 months after enactment on the status of the negotiations, and within 30 days if he determines negotiations are not successful.

Section 113. Consequential Action Regarding Other Japanese Anticompetitive Behavior Affecting the Domestic Motor Vehicle Parts Industry.

Expresses the sense of the Congress that the USTR should, during the course of its "section 301" investigation required under section 201, refer to appropriate U.S. Government agencies all applicable information obtained about the acts, policies, and practices of Japan that adversely affect access to the purchasing by Japanese motor vehicle manufacturers in the United States of motor vehicle parts produced by U.S.-owned or controlled parts manufacturers.

Section 114. Foreign-Trade Zone Operations of Producers in the Motor Vehicle and Motor Vehicle Parts Industry.

Requires the Board established under the Foreign Trade Zones Act to review the operations of U.S. and foreign producers in the motor vehicle and motor vehicle parts industry to determine whether their foreign-trade zones have a net positive economic effect on the United States, according to the standards set forth in the Act and regulations. On the basis of the review, the Board shall take appropriate action authorized by existing law and regulations, including possible revocation or modification of any grant, with respect to any producer whose operations in a zone are not having a net positive effect on the U.S. economy.

TITLE II. CUSTOMS MODERNIZATION

Incorporates H.R. 3935, the "Customs Modernization and Informed Compliance Act", as amended and ordered reported by the Subcommittee on Trade. This Act

Removes archaic statutory provisions requiring "paper" documentation and provides authority for full electronic processing of all customs related transactions; authorizes procedures for the establishment of a National Computer Automation Program for automated and electronic processing of commercial shipments.

Improves and clarifies Customs enforcement authority with respect to submission of documentation, recordkeeping and examination procedures, and penalty and seizure provisions.

Amends miscellaneous provisions of the Tariff Act of 1930 related to duty collection, vessel entry and clearance procedures, disposition of seized or other merchandise which remains in Customs custody and recourse to and by Customs for settlement of liabilities.

TITLE III. CUSTOMS AND TRADE AGENCY AUTHORIZATIONS FOR FISCAL YEARS 1993 AND 1994

Incorporates a draft bill ordered reported by the Subcommittee on Trade that authorizes appropriations for the ITC, U.S. Customs Service, and the USTR for fiscal years 1993 and 1994 and repeals the East-West trade statistics monitoring system under section 410, Trade Act of 1974.

TITLE IV. MISCELLANEOUS TRADE PROVISIONS

Subtitle A—Nontariff Provisions

Section 401. Negotiations on Anticompetitive Practices.

Authorizes and urges the President to negotiate, as soon as practicable, trade agreements that (1) eliminate the adverse effects of private anticompetitive practices on international trade; (2) harmonize national laws on competition policy, and the implementation of those laws, as they relate to international trade; (3) establish mechanisms for the effective enforcement across national boundaries of national laws on competition policy as they relate to international trade; and (4) make the GATT compatible with these new agreements and U.S. law on competition policy. The President shall report to the Congress by March 1, 1993 on the status of such negotiations.

Section 402. Trade with Cuba.

Expresses the sense of the Congress that the President should take all feasible steps to ensure the effectiveness of the U.S. embargo of Cuba and should promptly seek negotiations with foreign countries that conduct trade with Cuba to obtain their agreement to restrict their trade relations with Cuba consistent with U.S. trade restrictions.

Section 403. Machine Tool Import Arrangements.

Requires enforcement of the quantitative limitations on machine tool imports under the previous bilateral arrangement with Taiwan, until extension of the bilateral arrangement is negotiated with Taiwan (H.R. 4756, introduced by Mrs. Johnson).

Section 404. Simplification of Certain United States International Trade Laws.

Requires the ITC to prepare and submit to the Congress by January 1, 1994, a report containing suggested legislative proposals for consolidating and simplifying U.S. international trade laws under which tariffs or quantitative or other restrictions may be imposed on imports (other than the Harmonized Tariff Schedule). The ITC should seek to achieve (1) the logical arrangement of these laws; (2) the elimination of anomalous, duplicative, and illogical provisions; (3) simplification of language; and (4) no substantive or procedural change from the existing provisions.

Section 405. Congressional Research Service Special Trade Unit.

Requires the Director of the Congressional Research Service (CRS) to make recommendations to the Congress concerning the establishment of a special unit that would (1) integrate the capabilities and resources of the CRS, the ITC, and other appropriate agencies; and (2) serve as a central and objective source of information and analysis for the Congress on data and trends in trade between the United States and foreign countries.

Subtitle B—Foreign Subsidies and Countervailing Duties and Antidumping Duties

Section 411. Administrative Review of Determinations.

Requires the Department of Commerce to complete administrative reviews with 270 days after receiving a request for a review.

Section 412. Material Injury.

Requires the ITC to take into account contracts with a long lead time in determining where there is material injury due to subsidized or dumped imports. It also specifies that the presence or absence of any factor which the Commission is required to evaluate shall not necessarily give decisive guidance with respect to the determination by the Commission of the threat of material injury.

Section 413. Dual Pricing of Inputs.

Precludes any adjustments in determination of foreign market value under the antidumping law for differences in input costs that are based on whether the end product made from the input is sold in the home market or exported.

Section 414. Report, and Access to Data, Regarding Countervailing and Antidumping Duty Collections.

Requires the U.S. Customs Service to prepare and transmit to the Department of Commerce an annual report setting forth the amount of duties collected during the preceding year under each countervailing and antidumping duty order. Commerce must then make that information available upon request to an interested party that initiated the petition.

(Sections 411–414 above are based on provisions contained in H.R. 3272)

Section 415. Prevention of Circumvention or Diversion of Antidumping and Countervailing Duty Orders.

Incorporates provisions of H.R. 5045, which is designed to strengthen current law with respect to circumvention of antidumping and countervailing duty orders. Among other things, these provisions would expand existing law to include within the scope of an original antidumping order parts and components supplied by a third country supplier who had historically supplied such parts and components to the original producer if such parts and components are included in products assembled in the United States or a third country, and have significant value. It would also expand existing law with respect to when imported merchandise from third countries may be included within the scope of an original antidumping duty order.

Section 416. Study by the Administering Authorities on Ways to Simplify Initiation of Countervailing and Antidumping Duty Actions.

Directs the Secretary of Commerce and the ITC to present to Congress no later than 180 days after enactment a study, including recommendations, on how the standards for initiating countervailing and antidumping duty cases could be modified so as to make initiation of such cases less costly and more accessible for domestic petitioners. Due consid-

eration in this study should be given to U.S. obligations under international trade agreements.

Section 417. Reports by United States Trade Representative on Operation of Commercial Aircraft Agreement.

Incorporates Title II of H.R. 5021, which requires the USTR to submit a report to the Congress within 60 days and annually thereafter on the operation of the Agreement Concerning the Application of the GATT Agreement on Trade in Civil Aircraft between the United States and the European Community.

Section 418. International Trade Agreements on Antidumping.

Expresses the sense of Congress that the President should not enter into any international trade agreement on antidumping requiring changes in U.S. antidumping laws which would reduce their effectiveness as a remedy against injurious dumped imports. Urges the President to review carefully draft Uruguay Round provisions on antidumping and to seek changes necessary to maintain and to strengthen the effectiveness of U.S. antidumping laws, including cumulation of injury and dispute settlement provisions.

Section 419. Trade Distorting Subsidies by Foreign Governments.

Incorporates H. Res. 417, which expresses the sense of the House that the U.S. Government should not, as a matter of official policy, condone or legitimize the use of trade-distorting practices by foreign governments that cause material injury to U.S. industries.

Subtitle C—Other Tariff Provisions

Section 421. Treatment under the Generalized System of Preferences of the Republics Formerly within the Soviet Union.

Amends section 502(b) of the Trade Act of 1974 to remove the prohibition on eligibility of the former USSR for beneficiary status under the Generalized System of Preferences program.

Section 422. Miscellaneous Tariff Provisions.

Incorporates 12 sections of H.R. 4318, the "Miscellaneous Tariff Act of 1992", as reported by the Subcommittee on Trade, that raise revenue or are revenue-neutral:

Classification

Sec. 2002—Reclassifies certain motor fuel and motor fuel blending stock.

Classification and Duty Increase

Sec. 2003—Reclassifies and restores the duty on linear alkylbenzenesulfonates and linear alkylbenzenesulfonic acids.

Sec. 2004—Reclassifies and increases the duty on certain iron and steel pipes and tubes.

Customs and Other Non-tariff Matters

Sec. 2103—Alters the rebate procedures for wage certificates issued to certain producers of watches and watch movements.

Sec. 2104—Alters the personal exemption allowance relating to Bermuda.

Sec. 2105—Alters provisions relating to duty-free import of sweaters assembled in Guam.

Sec. 2110—Allows Customs to process certain refunds owed.

Sec. 2111—Reissues a Production Incentive Certificate.

Sec. 2113—Exempts semiconductors from the country of origin marking requirement.

Sec. 2114—Renews the exclusion provision in the Free Trade Zones Act.

Sec. 2117—Allows certain yards of fabric to be donated to charitable (nonprofit) organizations with specific restrictions stated.

Sec. 2119—Extends the time allowed for certain reexportations.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEARS 1992–96

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, on behalf of the Committee on the Budget and as chairman of the Committee on the Budget, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the current level of revenues for fiscal years 1992 through 1996 and spending for fiscal year 1992. Spending levels for fiscal years 1993 through 1996 are not included because annual appropriations acts for those years have not been enacted.

This is the sixth report of the 102d Congress for fiscal year 1992. This report is based on the aggregate levels and committee allocations for fiscal years 1992 through 1996 as contained in House Report No. 102–69, the conference report to accompany House Concurrent Resolution 121.

The term "current level" refers to the estimated amount of budget authority, outlays, entitlement authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

As chairman of the Budget Committee, I intend to keep the House informed regularly on the status of the current level.

COMMITTEE ON THE BUDGET,
Washington, DC, May 6, 1992.

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

DEAR MR. SPEAKER: To facilitate enforcement under sections 302 and 311 of the Congressional Budget Act, as amended, I am herewith transmitting the status report on the current level of revenues for fiscal years 1992 through 1996 and spending estimates for fiscal year 1992, under H. Con. Res. 121, the Concurrent Resolution on the Budget for Fiscal Year 1992. Spending levels for fiscal years 1993 through 1996 are not included because annual appropriations acts for those years have not been enacted.

The enclosed tables also compare enacted legislation to each committee's 602(a) allocation of discretionary new budget authority and new entitlement authority. The 602(a) allocations to House Committees made pursuant to H. Con. Res. 121 were printed in the statement of managers accompanying the conference report on the resolution (H. Report 102–69).

Sincerely,

LEON E. PANETTA,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES, FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1992 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 121—REFLECTING COMPLETED ACTION AS OF MAY 5, 1992

[On-budget amounts, in millions of dollars]

	Fiscal years—1992	1992–96
Appropriate level:		
Budget authority	1,269,300	6,591,900
Outlays	1,201,600	6,134,100
Revenues	850,400	4,832,000
Current level:		
Budget authority	1,277,082	NA
Outlays	1,207,718	NA
Revenues	853,364	4,829,000
Current level over(+)/under(−) appropriate level:		
Budget authority	+7,782	NA
Outlays	+6,119	NA
Revenues	+2,964	−3,000

Note.—NA=Not applicable because annual appropriations acts for those years have not been enacted.

BUDGET AUTHORITY

Any measure that provides new budget or entitlement authority for fiscal year 1992 that is not included in the current level estimate for that year, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 121, to be exceeded.

OUTLAYS

Any measure that 1) provides new budget or entitlement authority that is not included in the current level estimate for fiscal year 1992, and 2) increases outlays in fiscal year 1992, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 121, to be exceeded.

REVENUES

Any measure that would result in a revenue loss, that is not included in the current level revenue estimate and exceeds $2,964 million for fiscal year 1992, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 121. Any measure that would result in a revenue loss that is not included in the current level revenue estimate for fiscal years 1992 through 1996, if adopted and enacted, would cause revenues to be less than the appropriate level for those years as set forth in H. Con. Res. 121.

DIRECT SPENDING LEGISLATION

[Fiscal years, in millions of dollars]

	1992		New entitlement authority	1992–96		New entitlement authority
	Budget authority	Outlays		Budget authority	Outlays	
House committee:						
Agriculture:						
Appropriate level	0	0	0	3,720	3,540	4,716
Current level	−2	−2	−1	−1	−1	(1)

DIRECT SPENDING LEGISLATION—Continued

[Fiscal years, in millions of dollars]

	1992		New entitlement authority	1992–96		New entitlement authority
	Budget authority	Outlays		Budget authority	Outlays	
Difference	−2	−2	−1	−3,719	−3,539	−4,716
Armed Services:						
Appropriate level	0	0	0	0	0	0
Current level	0	−7	−7	0	−83	−83
Difference		−7	−7		−83	−83
Banking, Finance and Urban Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	28	28	0	177	177	0
Difference	+28	+28		+177	+177	
District of Columbia:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Education and Labor:						
Appropriate level	0	0	56	0	0	20,153
Current level	0	0	0	0	4	0
Difference	0	0	−56	0	+4	−20,153
Energy and Commerce:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Foreign Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Government Operations:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
House Administration:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Interior and Insular Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	−2	−2	0	5	5	0
Difference	−2	−2		+5	+5	
Judiciary:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	16	16	16
Difference				+16	+16	+16
Merchant Marine and Fisheries:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	(1)	0	0	(1)
Difference			(1)			(1)
Post Office and Civil Service:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Public Works and Transportation:						
Appropriate level	16,358	0	0	117,799	0	0
Current level	18,514	0	0	113,048	0	0
Difference	+2,156	0	0	−4,751	0	0
Science, Space, and Technology:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Small Business:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Veterans' Affairs:						
Appropriate level	0	0	484	0	0	6,811
Current level	0	5	378	0	19	2,182
Difference	0	+5	−106	0	+19	−4,629
Ways and Means:						
Appropriate level	0	0	0	0	0	620
Current level	7,036	7,036	8,036	7,458	7,458	9,098

DIRECT SPENDING LEGISLATION—Continued

[Fiscal years, in millions of dollars]

	1992		New entitlement authority	1992–96		New entitlement authority
	Budget authority	Outlays		Budget authority	Outlays	
Difference	+7,036	+7,036	+8,036	+7,458	+7,458	+8,478
Permanent Select Committee on Intelligence:						
Appropriate level	0	0	0	0	0	0
Current level	(1)	(1)	(1)	(1)	(1)	(1)
Difference	(1)	(1)	(1)	(1)	(1)	+1

[1] Less than $500,000.

DISCRETIONARY APPROPRIATIONS, FISCAL YEAR 1992

[In millions of dollars]

	Revised 602(b) subdivisions		Latest current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Commerce-Justice-State-judiciary	21,070	20,714	21,029	20,708	−41	−6
Defense	270,244	275,222	269,860	275,038	−384	−184
District of Columbia	700	690	700	690	0	0
Energy and water development	21,875	20,770	21,875	20,720	0	−50
Foreign operations	15,285	13,556	14,448	13,470	−837	−86
Interior	13,102	12,050	13,105	12,198	3	148
Labor, Health and Human Services, and Education	59,087	57,797	59,096	57,843	9	46
Legislative	2,344	2,317	2,343	2,310	−1	−7
Military construction	8,564	8,482	8,563	8,433	−1	−49
Rural development, Agriculture, and related agencies	12,299	11,226	12,299	11,223	0	−3
Transportation	13,765	31,800	13,762	31,799	−3	−1
Treasury-Postal service	10,825	11,120	10,824	11,119	−1	−1
VA-HUD-independent agencies	63,953	61,714	63,942	61,711	−11	−3
Grand total	513,113	527,458	511,846	527,262	−1267	−196

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 6, 1992.

Hon. LEON E. PANETTA,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1992 in comparison with the appropriate levels for those items contained in the 1992 Concurrent Resolution on the Budget (H. Con. Res. 121). This report is tabulated as of close of business May 5, 1992 and is summarized as follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 121)	Current level +/− resolution
Budget authority	1,277,082	1,269,300	+7,782
Outlays	1,207,718	1,201,600	+6,119
Revenues:			
1992	853,364	850,400	+2,964
1992–96	4,829,000	4,832,000	−3,000

Since my last report, dated April 8, 1992, there has been no action that affects the current level of budget authority, outlays or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

PARLIAMENTARIAN STATUS REPORT, 102D CONG., 2D SESS., HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS MAY 5, 1992

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			853,364
Permanents and other spending legislation	807,617	727,237	
Appropriation legislation	686,331	703,643	
Mandatory adjustments [1]	(1,208)	950	
Offsetting receipts	(232,542)	(232,542)	

PARLIAMENTARIAN STATUS REPORT, 102D CONG., 2D SESS., HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS MAY 5, 1992—Continued

	Budget authority	Outlays	Revenues
Total previously enacted [2]	1,260,198	1,199,288	853,364
ENACTED THIS SESSION			
Emergency unemployment compensation extension (Public Law 102–244)	2,706	2,706	
American technology preeminence (Public Law 102–245)			(3)
Further continuing appropriations, 1992 (Public Law 102–266) [4]	14,178	5,724	
Total enacted this session	16,884	8,430	
MANDATORY ADJUSTMENTS [1]			
Technical Correction to the Food Stamp Act (Public Law 102–265)	(3)	(3)	
Total current level	1,277,082	1,207,719	853,364
Total budget resolution	1,269,300	1,201,600	850,400
Amount remaining:			
Over budget resolution	7,782	6,119	2,964
Under budget resolution			

[1] Adjustments required to conform with current law estimates for entitlements and other mandatory programs in the concurrent resolution on the budget (H. Con. Res. 121).

[2] Excludes the continuing resolution enacted last session (Public Law 102–145) that expired Mar. 31, 1992.

[3] Less than $500,000.

[4] In accordance with section 251(a)(2)(D)(i) of the Budget Enforcement Act the amount shown for Public Law 102–266 does not include $107 million in budget authority and $28 million in outlays in emergency funding for SBA disaster loans.

RATIFICATION OF THE MADISON AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. BOEHNER] is recognized for 5 minutes.

Mr. BOEHNER. Mr. Speaker, today is a very historic day in the United States. Today the State of Michigan became the 38th State to ratify the original Madison amendment. Therefore, today we have the 27th amendment to the U.S. Constitution.

The Madison amendment says simply that no law that varies the compensation for the services of Senators and Representatives can become effective until an election of Representatives has intervened.

The House in the 1989 Ethics in Government Act inserted that same language. The House followed the words of Madison when it gave itself its last pay raise. Madison proposed these words in September in 1789.

The necessary States to ratify this amendment did not occur in 1791. For all these years this amendment was laying there, proposed without a deadline.

Since 1978, 31 States have ratified this amendment, three this week.

The reason I am here today is to thank my colleagues in the freshman class on both sides of the aisle who participated in this project. This class has been heavily involved in the reform movement. We agreed early on that we needed a project to help bond our class around reform. This was our project and we have worked with those 15 remaining States that have not ratified this amendment. Earlier this week on Tuesday, the States of Alabama and Missouri ratified the amendment, setting up the historic day today when Michigan at 11:13 this morning was the 38th State to ratify the Madison amendment.

This is a long process that has endured, and the long process of reform is underway in America.

□ 1550

This is one small step that Congress and the American people have taken so that Congress will again become more accountable to the people in America. Nobody in America can give themselves a pay raise without getting the

boss' vote. And what this amendment does is it give the bosses, our bosses, the American voters, the right to judge whether we should have a pay increase or not.

Mr. Speaker, it is a responsible measure, and I hope and pray that it is certified by the Secretary of State and does in fact stay in effect.

UPDATE ON THE AIDS EPIDEMIC

The SPEAKER pro tempore (Mr. KOSTMAYER). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I will not use the whole 60 minutes. What I wanted to do today is to give my colleagues and anybody else who may be listening a little update on the AIDS crisis facing America.

Mr. Speaker, you know, AIDS has become, like a lot of things because we hear about them day in and day out, it has become something that we are sensitized to. We hear about somebody down the block or across town, they get AIDS, and we do not think it is ever going to happen to us.

So today I would like to give my colleagues and anyone in America who is paying attention the latest statistics on AIDS.

Mr. Speaker, the Centers for Disease Control say that we currently have 218,301 people in this country who are dead or dying of the AIDS virus. They have also said that they may have to upgrade their figures by about 50 percent because of the way they have been counting people who have active AIDS. That means that we probably have somewhere around 350,000 people dead or dying of this dread disease.

Now, about 5 years ago I became very interested in the AIDS pandemic, and I started working with leading scientists, doctors, statisticians, to try to keep track of the disease and try to come up with some answers.

We projected that by 1991, if we had the current rate of growth in the AIDS virus back 5 years ago, that we would have between 250,000 and 280,000 people dead or dying of the disease.

Based upon the projections we see right now, we are ahead of schedule. We are ahead of schedule. That means that if our projections are accurate, by the mid-1990's we are going to have between 1 million and 2 million Americans dead or dying of this disease.

Now, it costs $100,000 to $150,000 for each person who gets the disease, to take care of their medical costs between the time they get the disease and the time they die. Put a pencil to that and you can see this is going to be terribly draining on the American economy and the American health care system. And we are not really doing much about it.

The Centers for Disease Control tell us that 1 out of every 250 people in this country has the AIDS virus. How many people do you pass in a day? How many people do you see on the streets in a day?

One out of every 250 people, they say, has the AIDS virus. They say we have about 1.5 million people infected. That is what they told us 5 years ago, and they said it was doubling every year to 18 months.

The terrible thing about AIDS is that it is insidious. You do not know anybody has it, because they can carry it for up to 10 years without any manifestation of the disease being noticeable.

So what I think is that we probably have more like 4 to 6 million people infected, not 1.5 million, but 4 to 6 million.

What does that mean? If we have 4 million infected, that means 1 out of every 60 Americans is carrying the AIDS virus, 1 out of every 60.

Now, I see here in the Chamber today a lot of teenagers. The teenagers and college students of today are the ones most at risk, most at risk of the AIDS virus.

A few years ago, everybody said, well, it was the homosexual community that was causing the problem and they were the most at risk. But the fact of the matter is statistics now show us that it is at least into the heterosexual community and the most active people in our society are teenagers and our college-age students, and they are the ones who are most at risk.

I would like to give you some figures. AIDS is now the third leading cause of death among people between the ages of 25 and 44, and it is growing at an alarming rate.

Mr. Speaker, the World Health Organization predicts there is going to be a 10-fold increase in the number of AIDS cases in this country and in this world by the year 2000. They think there is going to be 30 to 40 million people around the world with the AIDS virus within the next 8 years, and I think that is a conservative figure.

Approximately 100,000 teenagers and adolescents now have the AIDS virus. About 2,000 have already contracted the disease, and I think that figure is low.

Now let us talk about the teenagers in this country. There have been some recent surveys that show that approximately 54 percent of the teenagers in this country are sexually active. And the vast majority of those are not using the safe-sex method that you see talked about on TV; the condoms, even if they do use them, there is still a 16- to 20-percent risk that they are going to get the infection anyhow if they are messing with somebody that has the AIDS virus.

But those who are not run an even greater risk.

We need to do more than just educate young people about the AIDS virus. We need to have a comprehensive program to deal with it. The future of the United States of America rests not with people of my generation but with the people of the teenage and college years of today. They are the ones who are going to produce the products that keep us competitive in the world tomorrow. Those are going to be the ones who will be the engine driving the economy of the United States in the year 2000 and beyond. And if we lose a large segment of the young people of this country to a terrible, dread disease like AIDS, it not only will cut short their lives but it will hurt dramatically the United States of America in many, many different ways.

□ 1600

Mr. Speaker, I had a committee hearing not long ago on the AIDS virus. I am the senior Republican on the Africa Subcommittee, and we had the President of Uganda's wife testify before our committee. Uganda has a terrible, terrible problem, and I would like to tell my colleagues about it because Uganda is about 5 years or 6 years ahead of us on the AIDS scale.

They find there that 7 percent of all the children in Uganda are orphaned because of the AIDS virus. Sixteen percent of the kids over there have at least one parent that has died of AIDS. There has been a terrible decline in the population, in the production, over there because of the AIDS virus, and the young are extremely hard hit.

They have been trying to deal with the problems of AIDS in Uganda from an education standpoint, like we have here in the United States, and it has not worked. She told us that they need a comprehensive program to deal with it, which they cannot really afford because it involves a lot of things that they do not have the money to deal with, like testing, contact tracing, and education, and scientific research. There are a lot of things that need to be done that they cannot do.

And they estimate that half of their population in Uganda, half, has the AIDS virus, and it is growing at a rapid rate. Go into the villages in Uganda, and Kenya, and Zaire, and Zimbabwe and elsewhere, and one will find villages where half of the population between the ages of, say, 15 and 40, are dead. The only people left are the very, very young and the very, very old.

And how are they dealing with it over there? They are trying to deal with it through the education process.

I have talked to my colleagues in this Chamber year in and year out for the last 5 years. We have our head in the sack. We are not dealing with this pandemic, and it is growing at a rapid rate, and now it is no longer considered to be just a homosexual disease. It is a heterosexual disease, and the hardest-hit segment of our population in the next 10 to 20 years are going to be the

teenagers, the college-age students and the young adults that are the future of this Nation.

So, what is the answer? Well, first of all we should study what is going on in other countries that are ahead of us on the progression table as far as AIDS is concerned, like Uganda, and we ought to profit from the problems that they are having. We, in this country, are the wealthiest country in the world, and we have the wherewithal to come up with a comprehensive program to deal with AIDS, and we must do it because, if we do not, every one of us is going to be hurt, if not by losing a loved one, then because of the economic and health care problems that are going to ensue from the expansion of this disease.

We have 1.3 million hospital beds in America, and we are going to have another million people dead or dying of AIDS by the middle of this decade. Where are we going to put these people? How are we going to provide adequate health care? How are we going to do all the things that are necessary to make sure that everybody's health care is protected, not just those who have the AIDS virus?

We are going to have to come to grips with this, and we are going to have to come to grips with it quickly. You see, if we have 4 to 6 million people infected, as I believe we do right now, those people in the next decade will become active AIDS patients, and they will be dying from this disease, and each one of them is going to cost the taxpayers of this country and the health care system of this country about 100 to $150,000, and it is going to be a very, very difficult thing for us to deal with.

So, what is the answer? Well, I say to my colleagues again tonight, we need a comprehensive program to deal with it. The Centers for Disease Control, the Health and Human Services agency in this Government have said, "We need to attack this from the standpoint of educating the young people about safe sex." The fact is there is no such thing as safe sex outside of a monogamous, one-man one-woman relationship or abstinence. If someone has sex using a condom, the chances of someone getting AIDS, if that person is with someone that has the virus, is 15 to 20 percent because that is the failure rate of those devices, and of course it goes up much more rapidly by not using them, so the only safe sex is a monogamous relationship or abstinence.

But we are not dealing with the problem in a rational manner. We are just trying to educate people about this, so I would like to tell my colleagues tonight what I suggest we do, and I am going to read from this bill briefly so that the people know what we are trying to accomplish here. I have a House concurrent resolution expressing the sense of the Congress that the Federal Government should develop and implement a comprehensive program to deal with the AIDS virus and the transmission of it, and I would like to read it to my colleagues.

"Whereas the acquired immune deficiency syndrome is a fatal disease for which there currently is no known cure"; if someone gets it, they are going to die, and "Whereas, as of February 1992, the Centers for Disease Control had identified at least 213,641 individuals in the United States who had died or" are dying of the disease, and we believe it is about 150,000 more than that; "Whereas the Centers for Disease Control have proposed to revise their definition of the disease in a manner that would increase the number of individuals in the United States who are identified as having died or suffering from the disease to more than 370,000 by the end of" this year; "Whereas the number of individuals in the United States who are identified by the Centers for Disease Control as having died or suffering from the disease has more than doubled," doubled, "every two years since the Centers began identifying such individuals; Whereas certain projections from statistics of the Centers for Disease Control indicate that there will be," at least a million people dead or dying of the disease "by the mid-1990s; Whereas an individual who is infected with the human immunodeficiency virus may not demonstrate any symptoms of acquired immune deficiency syndrome for 10 years or more after the date the individual becomes infected; Whereas the Centers for Disease Control have for 5 years estimated that as many as 1.5 million people in the United States are infected," and I think that is way, way low, and "Whereas the Surgeon General of the Public Health Service, Antonia C. Novello, has stated that transmission of the virus through heterosexual contact is the mode of transmission that recently has shown the greatest percentage increase in certain parts of the United States; Whereas more than 75 percent of the individuals outside of the United States," with the AIDS virus, "contracted the disease through heterosexual contact; Whereas medical experts are still unsure about whether they have identified all of the" ways you can get the AIDS virus; "Whereas transmission of the virus between health care workers and patients during invasive procedures has been documented; Whereas at least a majority of teenagers and college age students in the United States are sexually active; Whereas, in 1988, the Centers for Disease Control made a conservative estimate that three out of every one thousand college students were infected with" HIV, and it is much higher than that now, "Whereas a study of teenagers in the District of Columbia between 1988 and 1990 documented a 300-percent increase in the number of teenagers infected with the virus; Whereas acquired immune deficiency syndrome is a preventable disease; Whereas the issues associated with the epidemic of human immunodeficiency virus infection have been treated like civil rights issues rather than public health issues," which it should not be. It should be treated as a public health issue first and foremost, and "Whereas the average cost of treating an individual who is infected with the human immunodeficiency virus is $100,000 over the individual's lifetime; Whereas the United States has the medical and financial resources to resolve the problems associated with the pandemic of human immunodeficiency virus infection; and Whereas the Congress has failed to develop a comprehensive," program to deal with it, "Now, therefore, be it resolved," and here is my program:

"That it is the sense of the Congress that, No. 1, the Federal Government should develop and implement a comprehensive program to prevent further transmission of the human immunodeficiency virus and provide treatment for individuals who are infected with the virus; and, No. 2, the program should include mandatory routine testing for infection with the human," HIV, "virus of all individuals between 14 and 55," who live "in the United States; tracing of any individual who has been in contact in a manner that gives rise to a risk of transmission of the virus with an individual who is infected with the virus; medical and psychological treatment," in part, "funded by the Federal Government," where health insurance is not involved for individuals who are infected with the virus, and we are doing that anyhow. When somebody has AIDS, and they do not have health insurance, we are taking care of them. We cannot leave them on the streets. So, we are doing that already. "Additional medical research concerning the virus and acquired immune deficiency syndrome," should be conducted; "protection of the civil rights of individuals who are infected with the virus, and national public education campaign concerning the effects and modes of transmission of the virus, and Federal criminal penalties for individuals," who have the virus and "knowingly transmit it." We have individuals in this country who have the HIV virus, know they are dying of AIDS, and they go out and give it to other people for a number of reasons, some to get drug money, some because they want to take revenge on other people because of their problem, and we need to get those people off the streets and restrict them from contaminating other individuals. I mean if someone holds up a bank with a gun, they go to jail. If someone shoots somebody, they go to jail. But if they know they have the AIDS virus and they go and infect 10,

20, 30 people, there is no penalty for that, and there should be. I believe that every day that we wait, hundreds more individuals, maybe thousands more individuals, are being infected, and it is going to cost all of us dearly.

□ 1610

So I say to my colleagues tonight, if you are watching in your offices, or listening on the radio, or in the Chamber, please pay attention to this. This is not going to go away. If we put our heads in the sand like an ostrich and think that this problem is going to be resolved, we are dead wrong. Every day that we wait, more people are being condemned to die.

I have three children, one 28, one 17, and one 19, and I worry every single day about their possible exposure to the HIV virus.

I talk to them about it so much, that every time I bring up the subject they say "Oh, Dad, you are not going to talk to me about that again?"

But I tell you, teenagers and college-age students believe that they are invincible. They believe that they are going to live forever, that nothing can hurt them. They do not worry about things. And that is the terrible thing about this virus. It is insidious. They can be going with someone who has the virus. They do not know they have it. The person that is going with them does not know they have it, and they become involved, and another person becomes a casualty and is going to die a horrible, horrible death because of AIDS.

That is why I say to my colleagues time and again, I have come down here over the past 5 years, year-in, year-out, month-in, month-out, week-in, week-out, saying not just education, but a comprehensive program to deal with it. Protect people's civil rights. Do not single out any segment of our society for persecution because of this disease.

The homosexual community should not be singled out, the heterosexual community should not be singled out. We are all in this thing together, and we need a comprehensive program to save America and to help save the world.

There are going to be 50 million people dead or dying of this disease in the next 5 to 10 years, 50 million people around the world.

The United States, like I said, is about 5 or 6 years behind Uganda, and half of the population in that country is already infected. We cannot let that happen to America. We need a comprehensive program to deal with this.

CHINESE QUILTERS SEWING AMERICAN HERITAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, today I am going to touch on two subjects. One concerns America's heritage, quilts from the Smithsonian that are now being produced in China, which we all object to.

In the other part of my presentation I am going to talk about the kidnaping of two American children in Yugoslavia by their father, and also a little bit about that unfortunate civil war fighting that is going on in that area.

Most of us have a quilt in our family that is a treasured possession because it was made with the loving hands of a family member or friend. For over 200 years, American women have invested time into creating quilts for their families and friends. So, I was dismayed to learn that the Smithsonian Institution is allowing our most heirloom quilts to be mass produced and sold like blankets.

It is outrageous that the Smithsonian Institution, which receives taxpayer's dollars, licensed American Pacific Co. to mass produce America's historical quilts, some of them one-of-a-kind. American Pacific has the material printed in the United States and then contracts with 20,000 Chinese workers to make the quilts.

One rare quilt, bearing the Great Seal of the United States, was made in 1830 by Susan Strong of Fredrick County, MD. Now it is being mass produced in China. According to some quilt experts, the very act of licensing these one-of-a-kind items has ruined the value of the original quilt.

Conversely, some of the fake quilts are being sold as antiques. One woman bought a fake quilt for the colors and later saw the identical quilt in an antique shop priced several hundred dollars higher and advertised as an American heirloom.

The licensing of these prized quilts for mass production as bedding will ultimately undermine the value of America's true antique quilts. Sotheby's recently auctioned an 1867 American pictorial Civil War quilt for $264,000. What will these fakes do to the value of the Smithsonian collection?

Last year the Smithsonian made $610,000 from royalties to 60 licensees for copying American artifacts. Counterfeit quilts are made in China, which has a wage rate as low as 25 cents an hour. Spiegel Catalogue is selling quilts made in China for $200 to $400. When asked about the copied quilts, Mr. Robert Longendyke, spokesperson for Speigel, had the bad taste to say these Chinese quilts can be "the kind of item that will be passed along, that can become a family heirloom." That remark exhibits a total lack of knowledge of how women have poured their artistic efforts, heart and souls into designing and making quilts.

Quilters have reacted very strongly to the actions of the Smithsonian. The National Quilting Association of Ellicott City, MD, noted that "quilters are distressed to see American quilts placed in the same category as plastic toys, shoes and novelty items."

American quilters object to the foreign quilts being advertised as a "traditional heirloom" or an "American heritage" when they are actually mass produced counterfeits from China.

I agree with them that it is disgraceful that a quilt such as the "Great Seal" which symbolizes American freedom and democracy is made in sweat shop conditions under a repressive Communist regime. This action is a mockery of the Smithsonian charter to preserve the American heritage and traditions.

Quilting has become an American artform in which women have traditionally expressed themselves. No two handcrafted quilts are the same. Now instead of a grandmother, an aunt or family member making these quilts for the newborns, a Chinese worker in a mass production factory will be making quilted American heirlooms.

There are approximately 2 million quilters in the United States. The National Quilting Association, which is headquartered in Maryland, has 236 chapters nationwide. The Quilting Newsletter of Wheat Ridge, CO, was established in 1969 and it has a readership of 250,000. There is a growing interest in quilting in America.

Groups are quilting, just as they have been since this country was settled. Churches hold quilting bees, friends quilt together and classes are held to teach new generations of quilters. Men also are joining quilting circles. Special shops are selling handmade quilts.

Unfortunately, it is difficult to identify the true American quilt from the fake. Phony American quilts are coming in with flimsy labels identifying the country of origin but, the labels easily can be cut off. They should be stamped so the country of origin cannot be removed.

The Smithsonian should quit licensing those prized quilts which express the soul of America. Why should a museum using taxpayers dollars contribute to sending jobs off-shore when the country has over 9 million unemployed. The Smithsonian has abrogated its responsibility to the public by licensing companies to make fake quilts.

James Smithson, who left his fortune to the United States to create the Smithsonian would roll over in his grave if he knew what the museum is doing with these quilts.

□ 1620

A MOTHER'S NIGHTMARE (CONTINUED)

Mrs. BENTLEY. Mr. Speaker, I said that I was going to talk also about some of the events in Yugoslavia. One of the saddest is concerning two American children, and we call it the Shayna Lazarevich child custody case.

Mr. Speaker, I rise today to again attack the inaction of the Serbian Government in resolving the Shayna Lazarevich child custody case.

Ms. Lazarevich, an American national, has not seen her two small children on any regular basis since October of 1989. It was at this time that her ex-husband, a Serbian national, in defiance of a State of California decree awarding Ms. Lazarevich custody of the children, fled with them to his native land.

Ms. Lazarevich initially contacted Representative ANTHONY BEILENSON, her local Congressman, for help in retrieving her children from Serbia. She then was referred to my office for help.

Upon initiating action in this case, I was informed that the matter of custody had been referred to the Serbian courts. The Supreme Court of Serbia eventually awarded Ms. Lazarevich custody.

Despite the decrees of both the Serbian and U.S. courts, Dragisa Lazarevich retained custody of the children, openly flouting the law. He apparently had contacts in the police department in Nis, the town to which he had fled, that allowed him to avoid surrendering the children.

In addition, using a legal loophole, he had the case heard in a lower court in Serbia, in order to keep the children.

Over the last 2 years, I have written countless letters to Serbian President Slobodan Milosevic, travelled to Belgrade to meet with him and other officials on this case, made countless telephone calls, and arranged appeals signed by more than 30 fellow Members, all on Ms. Lazarevich's behalf.

In addition, Ms. Lazarevich has been working closely at the same time with Warren Zimmerman, Ambassador to Yugoslavia, trying to apply diplomatic pressure to get the Serbian Government to resolve the case. Even Secretary of State Jim Baker has been involved in the case, making a personal appeal to Mr. Milosevic in June of 1991.

In March, Dragisa Lazarevich's final appeal for custody of the children was exhausted. All of us involved in the case were relieved. However, the sticky problem of transfer of custody of the children to their mother still stood in the way of final resolution.

On March 24th, I wrote Slobodan Milosevic the following letter asking him to ensure that the children be placed in protective custody until Shayna could get them back:

Hon. SLOBODAN MILOSEVIC,
President, Republic of Serbia, Belgrade, Yugoslavia.

DEAR MR. PRESIDENT: It has come to my attention that final court in Serbia has acted on the Shayna Lazarevich custody case, and confirmed that custody of the children should be awarded to their mother.

I, therefore, am contacting you to urge that the children be placed in protective custody at the U.S. Embassy in Belgrade until the appeal is closed out, which I understand will take about two weeks.

By all accounts that have come to my attention, the children have been abused in their father's care, and I fear the worst if they remain in his custody during this critical period.

Having demonstrated abusive behavior in the past, Mr. Lazarevich once again could flee with the children, or resist attempts to transfer custody.

Please do all in your power to assure that this does not happen.

Sincerely,

HELEN DELICH BENTLEY,
Member of Congress.

To reinforce my first appeal, On April 1, I also sent the following appeal signed by 14 Members of Congress to President Milosevic:

Hon. SLOBODAN MILOSEVIC,
President, Republic of Serbia, Belgrade, Yugoslavia.

DEAR MR. PRESIDENT: It has come to our attention that final court in Serbia has acted on the Shayna Lazarevich custody case and confirmed that custody of the children should be awarded to their mother.

We, the undersigned Members of the United States House of Representatives, would urge you to do the following to ensure a safe return of the children to their mother:

1. Immediately place the children under police protection in the town of Nis, or deliver them to the United States Embassy until the appeal process is completed.

2. Arrange delivery of the children to their mother in Belgrade as quickly as possible, or arrange for her to take custody of them in Nis under full protection of your law enforcement officials.

3. Take any and all precautions that Mr. Lazarevich does not flee the Republic of Serbia or the country with the children in his custody.

We cannot stress enough that these actions be taken immediately, and appreciate your cooperation in this matter.

Sincerely,

Helen Delich Bentley, Barney Frank, Ronald K. Machtley, Bill Green, Stephen J. Solarz, William E. Dannemeyer, Randy "Duke" Cunningham, Peter H. Kostmayer, Dana Rohrabacher, Jolene Unsoeld, George W. Gekas, Barbara F. Vucanovich, Curt Weldon, William Lehman,
Members of Congress.

After sending these letters, I spoke with both President Milosevic and Deputy Speaker of the Serbian Parliament, Vukasim Jokanovic. Both assured me that the children were being taken care of.

Shayna called me on Monday; her children were not in school. Warren Zimmerman called yesterday morning; the Ministry of Justice told him that Shayna's ex-husband had once again fled with the children, and that she should hire a private detective to find him.

Mr. Speaker, I was shocked at this callous answer given by the Serbian Government. This case, involving two American nationals, which had been brought to their attention again and again, gets a simple "not our problem, hire a detective."

Mr. Speaker, I am incensed. Upon hearing that Ms. Lazarevich's ex-husband had fled once again, I wrote to President Milosevic and Deputy Speaker Jokanovic to voice my disapproval of their inability to act on the case. In addition, Ambassador Zimmerman has contacted President Milosevic and Minister of Justice Cetkovic criticizing their inaction and has also released a statement which I would like to read:

EMBASSY OF THE
UNITED STATES OF AMERICA,
May 7, 1992.

STATEMENT BY AMBASSADOR ZIMMERMAN

We are all devastated that the Lazarevich children, Sacha and Andre, have disappeared. The responsibility for this lies squarely on the Serbian Government.

Since the final court ruling in Shayna's favor, the Serbian Government has had 6 weeks in which to organize the recovery of the children.

We don't know if its failure to do so was the result of malice or incompetence. Either way, the Serbian Government will have thereby demonstrated to all Americans its callousness to both the legal and human sides of this tragedy.

Mr. Speaker, if Serbia ever wishes to regain favorable status with the United States, the resolution of this tragic case would be a positive step. I call on the Serbian Government immediately to locate the children and turn them over to their mother. Anything less is a slap in the face of the United States, and is simply unacceptable.

Mr. Speaker, as we all know, there has been a lot of fighting over in Yugoslavia, a lot of finger pointing, a lot of people accusing one another, but there are two pieces that I want to read in connection with that facet of it.

The first is a piece from the Associated Press today. It is datelined Semizovac, Bosnia-Herzegovina, and it is written by Tony Smith, an AP writer.

I guess we could describe this as how people can really get along despite conditions.

The AP article says that—

Nebojsa Spirovic made a screeching U-turn with his white Volkswagen and yelled out of the window: "Run for cover, truce has collapsed, Muslims are attacking."

Within minutes, gun and cannon fire erupted, sending houses up in smoke and Serb and Muslim townfolk scurrying for cover in cellars and barns.

Many found shelter across enemy lines, attesting to the reluctance with which Serbs and Muslims in this ethnically-mixed village of 5,000 have taken up arms against each other in the bloody dispute over Bosnia's independence.

"In half an hour this place will be chaos," said Spirovic, a 28-year-old Serb fighter known as Spiro.

He urged visitors into "a safe place" a hillside machine-gun nest made from logs and black plastic sheets that overlooked the small town just outside the embattled Bosnian capital of Sarajevo.

As the boom of cannon fire rumbled from the capital, mortar shells whistled into a Serb part of Semizovac from a Muslim district across a wooded valley.

A local truce had collapsed.

"I dare not say how stupid this all is," said Spiro, nestled down among half-empty plum

brandy bottles and soiled blankets. "They have guns, we have guns, we shoot."

Members of Spiros' Serbian territorial defense unit said they were fighting to defend their town against "Muslim extremists."

More than 350 people have died in Bosnia since Slavic Muslims and Croats voted for independence on February 29. Serbs, who oppose independence, have been backed by the Serb-dominated federal army in battles for control of territory.

The Serb fighters in Semizovac insisted, however, that they would prefer to return to the tolerance that once characterized Bosnia's melting pot of nationalities and cultures than continue fighting their fellow villagers.

But the harmony that clearly once ruled in the village was abundantly evident, even as Serbs and Muslims fired at each other.

Muslims caught in the cross-fire sought shelter with Serbs and found it there.

"There should be a new referendum, new elections, so that we could all live together like before in our old Yugoslavia," said Milan Dragicevic, a Serb sheltering 35 Muslim refugees in his tiny farmhouse cellar further up the slopes.

"It's no longer a question of politics it's a question of life," he said. His Muslim guests nodded in agreement.

There were no signs of animosity as the gunfire eased and Serbs and Muslims emerged to chat among blossoming apple trees.

Muslim children stole sweets from a Serb granny. One-month-old baby, Milena, was brought from the farmhouse and passed among cooling women of both nationalities.

"Can you imagine anything crazier?" asked Spiro. "They were afraid we would attack them, but they run here for cover."

□ 1630

Mr. Speaker, I think that story says more than anything else we could talk about the sad situation that is taking place in the former Republic of Yugoslavia and the remnants of Yugoslavia.

With that, I am preparing a memo that I am going to send to the State Department. It reads somethings like this, because this story of Spiro's exemplifies how people really feel.

This memo says:

SPECIAL APPEAL TO THE STATE DEPARTMENT

The world, including the European Community, the United Nations, and the United States must realize that Yugoslavia is a mosaic—a conglomeration of ethnic and religious divisions.

These are powerful factors with tremendous impact, if not explosive.

The problems inherent to Yugoslavia are fomenting the current strife, and if not handled properly now, could expand into a catastrophe involving the whole of the Balkan peninsula.

Present actions that favor one group over another and give only lipservice to resolution of the rights of minorities offer a problem that merely festers.

This problem cannot be swept under the rug, nor should we believe that these problems will merely pass away. In addition, threats that serve as retaliatory measures against one group or another offer no solution, merely adding to the incentive to avoid a comprehensive solution rather than to stop and comply, especially in the face of policy that is perceived as biased and one-sided.

Therefore we should address the problem where it lies—among the parties, who know the situation better—and conversely—who know better what issues must be addressed for a permanent and lasting peace.

When the breakup of Yugoslavia began, everyone—the parties involved—thought that each could and would do better without the other. But economic conditions, playing havoc with each group, now have introduced another facet to the overwhelming problems of this area—and indicate that an opportunity exists for the groups to reflect again on the final form of the Balkan breakup.

The groups not only need a meeting of the parties, but they also need a fair arbitrator, extending equal and unbiased treatment to all.

All of the republics of Yugoslavia respect the United States, who has had no historical designs on the area, and therefore, the United States should act as mediator to such a summit.

Mediation will cost the United States nothing; aid, embargoes, sanctions, and peace-keeping forces will cost much more.

It is clear that the United States is the only entity that could facilitate such action to the acceptance of all parties involved.

Contain the problem. Keep it among the parties—at the table and not in the streets, where innocent citizens of all groups are losing their lives.

However, the rights of everyone concerned, without exception, must be addressed; any delay in negotiations will offer no solution.

This is a suggestion that requires immediate and concerted action on the part of the United States.

VACATING SPECIAL ORDER

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to vacate the 60-minute special order earlier agreed to for today for myself.

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

There was no objection.

INTRODUCTION OF LEGISLATION TO PROVIDE EMERGENCY LOAN GUARANTEE ASSISTANCE TO THE CITY OF LOS ANGELES

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

Mr. GONZALEZ. Mr. Speaker, I rise to announce to the Members and to print in the RECORD H.R. 5102, which has just been filed on behalf of the distinguished gentlewoman from California [Ms. WATERS] and myself, that has as its primary purpose to provide emergency loan guarantee assistance to the city of Los Angeles in helping it to reestablish business in the areas affected by the recent disturbances.

I want to mention that I also have available, and I will place it in the RECORD subsequently, a copy of the report that I printed as a committee and subcommittee document as a result of the hearings which, in the name of the Subcommittee on Housing and Community Development and the full Committee on Banking, Finance and Urban Affairs, we held in Los Angeles on February 10, right in the middle of the center of the storm now, in the building in which the disturbances have taken place all around it.

The report I had printed because what we had by way of testimony at the hearing was clearly very disturbing, and we reported that there was a likelihood of social problems and unrest. That was just February 10.

I am introducing legislation today on behalf of myself and Congresswoman MAXINE WATERS, that will begin to address some of the immediate steps needed to rebuild Los Angeles and other communities which have suffered destruction and unrest as a result of the violence fueled by the Rodney King verdict.

This legislation provides an immediate incentive for burned out and looted businesses to reopen, as well as to attract new businesses, in areas of the city that suffered destruction during protests over the not guilty verdict. Specifically, this legislation provides immediate credit for such business activity. It uses the existing section 108 Loan Guarantee Program to make business loans more affordable by lowering the cost of business loans in these areas through interest rate reductions. In addition, this legislation increases the borrowing authority for affected communities so that sufficient funds are available quickly.

This legislation is an immediate step toward addressing a larger and more fundamental problem. While the jury verdict of not guilty catalyzed these destructive protests, the fundamental cause of the violence goes far beyond Rodney King's beating.

Drastic Federal budget cuts during a decade of Reagan-Bush administrations have burdened municipalities so that they can no longer keep citizens from falling through the cracks.

Several field hearings held by the Banking Committee this year, including one in Los Angeles, examined the effects of the decade long neglect by the Federal Government to our inner cities. The situation is dire: families are desperate for good jobs, safe neighborhoods, good schools, and decent housing. Yet cities are unable to afford to provide these basic necessities.

Separate legislation that I introduced and which has been approved by the Committee on Banking, H.R. 4073, will be the next step to more fully address the root causes of the desperation and destruction. This legislation will provide permanent jobs through the rebuilding of critically needed infrastructure improvements.

I will be bringing H.R. 4073 to the floor in the near future. For now, I ask my colleagues to work with Congresswoman WATERS and me to provide this section 108 loan guarantee assistance as quickly as possible.

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H.R. 5102

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 "Gonzalez-Waters Distressed Communities Assistance Act".

SEC. 2. GUARANTEE OF OBLIGATIONS AND NOTES.

Pursuant to the authority provided under section 108 of the Housing and Community Development Act of 1974 and this Act, the Secretary of Housing and Urban Development may guarantee and make commitments to guarantee the notes and other obligations issued by qualified public entities for the purposes under section 3. The provisions of section 108 and title I of the Housing and Community Development Act of 1974 shall apply to any guarantees and commitments for guarantees made pursuant to this Act except to the extent otherwise provided in this Act.

SEC. 3. ELIGIBLE ACTIVITIES.

Notwithstanding the first sentence of section 108(a) of the Housing Act of 1974, guarantees may be provided under this Act only for notes and other obligations issued for the purposes of financing activities for the establishment, development, and redevelopment of businesses in qualified areas, including acquisition of property located within qualified areas for businesses, providing working capital and capital for start-up costs and inventory, and acquisition, construction, reconstruction, and rehabilitation of structures located within qualified areas for businesses.

SEC. 4. QUALIFIED AREAS.

(a) IN GENERAL.—For purposes of this Act, the term "qualified area" means any area—

(1) in which a public disturbance involving acts of violence occurred on or after April 29, 1992, and before May 6, 1992;

(2) in which significant property damage was caused by such public disturbance; and

(3) that is described in a certification approved under subsection (b) by the Secretary.

(b) CERTIFICATION.—Any certification referred to in subsection (a)(3) shall be made by the chief executive officer of a unit of general local government in which the area described in the certification is located. The certification shall be submitted to the Secretary and shall describe the areas within the unit of general local government in which eligible activities financed with the proceeds of notes and obligations guaranteed under this Act are to be carried out, the public disturbance that occurred within the area, and the value or extent of damage resulting from the public disturbance. The Secretary shall approve each certification submitted under this subsection and notify the unit of general local government of such approval within 10 days after receipt (excluding Saturdays, Sundays, and legal public holidays), unless the Secretary determines that the certification is materially inaccurate.

SEC. 5. INAPPLICABLE PROVISIONS OF CDBG LOAN GUARANTEE PROGRAM.

(a) INAPPLICABLE PROVISIONS OF SECTION 108—Guarantees and commitments to guarantee made under this Act shall not be subject to the following provisions of section 108 of the Housing and Community Development Act:

(1) CREDIT AVAILABILITY TEST.—The second sentence of subsection (a).

(2) AGGREGATE AUTHORITY AND ALLOCATION RULES.—The last 2 sentences of subsection (a).

(3) LIMITATION BASED ON CDBG GRANT AMOUNTS.—Subsection (b).

(4) SECURITY.—Subparagraphs (B) and (C) of subsection (d)(1), subsection (d)(2), and subsection (e).

(5) AGGREGATE AND ENTITY LIMITATIONS.—Subsection (k).

(6) ELIGIBLE PUBLIC ENTITY.—Subsection (o).

(7) TRAINING.—Subsection (p).

(b) INAPPLICABILITY OF LOW- AND MODERATE-INCOME REQUIREMENT.—Guarantees and commitments to guarantee made under this Act shall not be subject to section 101(c) and 104(b)(3) of the Housing and Community Development Act of 1974.

SEC. 6. ASSISTANCE FOR REDUCTION OF INTEREST PAYMENTS.

Pursuant to the second sentence of section 108(h) and subject to the requirements of such section, there is authorized to be appropriated for grants to qualified public entities such sums as may be necessary to cover interest costs involved in financing activities under section 3.

SEC. 7. GUARANTEE AUTHORITY AND BUDGET COMPLIANCE.

Subject only to the absence of applications from qualified public entities or proposed activities and to the authority provided in this section, in addition to the amount provided under the 5th sentence of section 108(a) of the Housing and Community Development Act of 1974, the Secretary shall enter into commitments to guarantee notes and obligations pursuant to this Act with an aggregate principal amount of $500,000,000, without fiscal year limitation, to the extent approved or provided in appropriation Acts.

SEC. 8. OTHER DEFINITIONS.

For purposes of this Act:

(1) QUALIFIED PUBLIC ENTITY.—The term "qualified public entity" means any unit of general local government (as such term is defined in section 102 of the Housing and Community Development Act of 1974) within which a qualified area under section 4 is located, and such term includes any public agency designated by any such unit of general local government.

(2) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 9. IMPLEMENTATION.

Upon the enactment of any appropriation Act providing guarantee authority under section 7 and to the extent of such authority, the Secretary shall guarantee, and make commitments to guarantee, notes and obligations under this Act, whether or not regulations to carry out this Act have been issued.

AFTERMATH OF THE DISTURBANCE IN LOS ANGELES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. WASHINGTON] is recognized for 60 minutes.

Mr. WASHINGTON. Mr. Speaker, I take the well on this occasion to speak on a matter of some urgency to our Nation. I hope not to use the entire 60 minutes. I am mindful of the fact that it has been a long day for all of us, and particularly those who staff the House here, who of course have other important things to do.

Printed in the CONGRESSIONAL RECORD of April 28, 1992, I made a statement on what was then another occasion such as this, a special order, and on that occasion, Mr. Speaker, I made a promise. That promise was, and I quote from page H 2708,

> I am recommitted that between now and the end of the term to which the people of the 18th Congressional District have either fortunately or unfortunately elected me to hold, I will, with all the fiber in my body, bring to the attention of the American people on this microphone on a regular basis the problems that we confront as a country, not only as a Democrat, not as a Republican, but as a person who meant it when he held up his hand and took the oath that I would defend with my life the Constitution and the laws of the United States and the people who elected me.

□ 1640

I did not plan that this would be such an occasion so closely following that. But since that time we have had an unfortunate series of tragedies to occur in a part of our Nation which we call Los Angeles and its environs. And it seems to me, Mr. Speaker, that this is both the appropriate place and occasion to speak out on a matter that is important to the American people, for most of us have had the opportunity to on several occasions see the videotape that was providently taken by an amateur video photographer of the police misconduct that was visited upon the person of Rodney King on that fateful evening. And most of us watched with great anticipation, believing in our system of justice, and believing in our Constitution and laws and that justice would be done to one of several persons who in the opinion of most Americans and people throughout the world used more force than was necessary on that occasion to subdue Rodney King and reduce him to arrest.

We all of course know that the jury returned the verdict of not guilty, and that was of course within their province to do. Under the concept of ordered liberty we should not now criticize the verdict from that jury, but we ought to look beyond it, for I believe that much more important than how we feel about the verdict and the aftermath, we as citizens should condemn the violence that brought us to the point where police officers who wear our uniforms and our badges and carry our guns and nightsticks feel that they can, with impunity, be both judge, jury, and executioner for any person charged with crime in our society. It is tragic when police officers feel that way.

In my view, it is also tragic that the jury reached the conclusion that they did, although I do not quarrel with their verdict because only they had both the responsibility and the duty under our law to reach the decision that they did.

I also wish to condemn the violence of the thugs and villains and criminals who took the law into their own hands

in Los Angeles, CA, after the verdict was rendered. I do not think, not speaking for other people because I do not know how other people feel really, I do not think that any of those who have attempted since that time, Mr. Speaker, to explain the frustration and feeling in the hearts of people who may have taken to the streets is an attempt on their part to rationalize or justify what is obviously criminal conduct. What happened in the streets of Los Angeles following the verdict in the Rodney King case was, at least in my view, as wrong as what happened to Rodney King. It was criminal, and it was wrong to beat innocent people, many of whom happened to have been white, who had done absolutely nothing to Rodney King or to cause the conditions that resulted in the verdict. And we as elected officials in this country must set the tone, because if we do not set the tone then the people have no leadership, and we leave it to others who perhaps may not be as thoughtful and perhaps not be as cautious as we should be in fashioning a remedy that comes out of the ashes of the several tragedies that have been visited upon California in the last year and a half, and I am not speaking of the earthquakes.

It was wrong, in my judgment, and criminal, as I say, for the citizens or some of the citizens in Los Angeles to take the law into their own hands and to take out their frustrations, and vent their hostilities on innocent people merely because they happened to have been of another race. And I think that people who are right-thinking people in our country find just as abhorrent the television sight of people pulling unarmed innocent motorists out of a vehicle and beating those people senseless as they were when they saw the videotape of Rodney King being beaten by the police officers.

It seems to me that we must have justice in our society, but it seems that we as a nation ought to look at where we are and where we should be going. And it seems to me, without attempting to lay the blame at the feet of anyone or all of us that the U.S. Government must provide leadership in these times, because I think these are critical times for our country. I do not believe that what happened in Los Angeles or any of the other cities where there was violence or the threat of violence should be fashioned as an isolated incident. As one of my colleagues said, I think it was a wakeup call for the United States of America, and it is time we heed the wakeup call. It is like when you set the clock for a certain time in the morning, and the alarm goes off, and you hit the snooze button, and you give yourself 6 minutes, or 10 minutes, or whatever your clock is programmed to provide of more time to crawl back in bed and snuggle up 1 more minute and sleep a few more minutes. Then the clock goes off again and you get up, and you hit the button again, and hopefully at some point you do get up, because otherwise you will be late for your responsibilities. And America is on the verge of being late in meeting its responsibilities, because as far back as 1968, the National Advisory Committee on Civil Disorder, called the Kerner Commission, has given us a blueprint for some of the things that led to the kind of violence that happened on the streets of Los Angeles.

This is not of course to mollify or justify people taking the law into their own hands. But one must understand the conditions of life in the ghetto to understand how a decent human being could be driven to the point of engaging in rioting and looting on the streets of a city where they live. Virtually every major episode of violence in this country has been followed by an accumulation of unresolved grievances and by widespread dissatisfaction of the people with the unwillingness or the inability of the government to properly respond. And there are many people in the Government, from the President of the United States on down, who are now attempting to fashion what is and ought to be our response to very troubling times in Los Angeles and in other American cities.

And it seems to me that we ought to talk to each other, not at each other about the problems that we face as a society. And it seems to me that we ought to look at the root causes not of the violence, because the cause of the violence in the streets of Los Angeles was criminal. The cause of the verdict by the jury in the Rodney King case was that we have allowed our police to become part of a siege mentality in which it is us against them. We who are law-abiding citizens have allowed ourselves to be separated from those who violate our laws, and therefore we have created an us-against-them mentality in which the police see it as their duty to protect us from them. And we reward the thin blue line of police by forgiving, forgiving on too many occasions their violations of our law.

It is not right for a police officer to violate the law, just as it is not right for a citizen to violate the law.

□ 1650

One does not justify the other. So it seems to me, Mr. Speaker, that we must engage in a dialog, not as Democrats and not as Republicans, but as Americans, on where we are to be heading as a nation and what should be our appropriate and proper response to the chagrin that we all feel from what we watched on television over the last 7 or 8 days.

In the concept of ordered liberty, we as a society must work together to solve our common problems, because the problem of police misconduct is not the problem of one community but the problem of our entire community, because as surely as what happened to Rodney King, that happened to him, it could happen to any person in the middle of the night who happens to be stopped by a police officer who, for whatever reason, feels that he needs to extract his pound of flesh from another individual. So we need to address, it seems, the underlying problems, not to suggest that those problems gave rise to the specific incident or to excuse or justify the conduct, once again, that has occurred. But if we do not begin now to address the problems, then it is my fear that they will happen again and again and again.

It is those of us who have been elected to public office upon whose watch these things have happened that bear the ultimate responsibility for what has happened and bear the ultimate responsibility for what I believe will happen in the future if we do not begin now the constructive process and the courageous process of addressing these problems in a forthright manner.

In our urban areas, as in our rural areas in this country, we suffer from benign neglect, and I intend to focus my remarks on this occasion on how we can address these problems without spending any more money than we are presently spending.

It is good to have a lot of ideas to throw out, and there are lots of people who have ideas. I am sure they are all worth merit, and I am not saying that mine are worth anything at all except perhaps to start other people with greater minds thinking about how we can address these problems.

We have a problem with the education of our young people in this country. I do not know the people who were rioting and looting on the streets of Los Angeles. I watched television, and they appeared to be of all racial and ethnic groups and of all ages, and it seems to me that if we had a composite of those people, it is my view, Mr. Speaker, that most of them would not have received the benefit of the educational opportunities that our society and our country have so richly provided to the fortunate few. It seems to me that if we are to ensure that there are no more Los Angeleses in our country that we must, as a Congress and as a country, be about the business of addressing in a forthright and direct manner answers to these questions.

How is it that we do not educate our young people? Why do we allow so many of our young people to drop out of school and be pushed out of school before they even get a high school education? What chance does a person without a high school education have of succeeding in our society? Most often they become a ward of the State, either as prisoners in our prison system or caught up in our welfare system. They become homeless because

they do not have jobs and cannot provide housing for themselves and their families.

It seems to me the response of the Congress of the United States should be on this occasion to step back and look at these problems and attempt to address them in a forthright and direct manner, and it seems to me, Mr. Speaker, Members, that we must first look at how we spend our dollars and, once again, I reiterate that these proposals have nothing to do with new taxes upon our overly taxed people in our country already, but the reallocation of our priorities.

When the Congress passed our budget for the next fiscal year in which we outlined our budget as being $1.4 trillion, the verdict in Los Angeles has not occurred, and Simi Valley had not occurred, and the violence in Los Angeles had not taken place. So the question is: Do we have the courage to then reorder our priorities, having made a commitment for that budget, and is there an urgent necessity to do so?

It seems to me that there is an urgent necessity to do so, because conditions have changed. Mr. Speaker, I would liken it to the budget of a household or of a family or of a corporation. When you sit down and you think about the requirements of the budget for the following year, you take into consideration what your expectations are for the following year, not only for the expenditures but the happenstance of events then and in the future.

No one could project either the outcome of the criminal trial in Simi Valley nor the response from the community in Los Angeles and other places of this country at the time that the Congress in its wisdom decided that we would allocate the funds in the fashion that we did. Following that debate, as the Members of Congress and as the Nation will recall, we undertook a debate on whether the so-called firewalls should be removed.

The people in the country will recall that out of the budget summit of 1990 the Congress attempted to give itself the discipline to balance the budget in this country by the year 2000, and the method by which we accomplished that, or purported to accomplish that, was the bill, the so-called firewalls between domestic discretionary, domestic entitlement, and military spending.

Now, that may have been appropriate at the time, and I assume that it was, because the Congress, in its wisdom, decided that those would be our priorities.

But just as a household has to reorder its priorities in light of a tragedy that occurs in the household, it seems to me that now is the time for the Congress to reorder its priorities with respect to the budget of our Nation. We msut turn our attention to our American cities, not turn our back on our foreign friends and neighbors in South America and in Canada, in Europe and Japan, but to redirect our priorities to the places where it is clearly evident that our priorities ought to be focused.

A new world order must now include American cities. A new world order must include redeveloping the infrastructure of American cities not because of the events of the past week or so but because of what has been happening to this country for the last 30 years.

We have been in a steady decline and erosion of our American cities. As pointed out in the Kerner Commission report of 1968, "But for the precipitous causes of the summer of 1967," and the changing of the name of Newark and Detroit and a few other neighboring cities, and the changing of terminology from Negro to African-American or black, whichever a person chooses to use or some of the other matters that have been changed in our society, I suggest that anyone who reads either the excerpts or the full report from the Kerner Commission, merely by inserting Los Angeles instead of some of the other cities, we would think that this report was written within the last 7 days.

When are we going to wake up to the reality that every time we have a very great tragedy in America we do not need another study? We do not need to study what happened in Los Angeles. Mr. Speaker, we need to study the reports that we have already paid for that are gathering dust over on the shelves of the Library of Congress, because if we read those reports and heed the advice and wisdom contained therein by many scholars and experts who have put their minds to the task, then it seems to me that we would be directed toward what we ought to do as a nation.

From the summary, just let me read a part:

> Recommendations for national action: Employment: Pervasive unemployment and underemployment are the most persistent and serious grievances in minority areas. They are inexplicably linked to the problems of civil disorder. Despite growing Federal expenditures for manpower development and training programs and sustained general economic prosperity and increasing demand for skilled workers, about 2 million white and nonwhite are permanently unemployed; about 10 million are underemployed, of whom 6.5 million work full time for wages below the poverty line.

None of that has changed.

□ 1700

The 500,000 hardcore unemployed, that has changed. It is about 3 million hardcore unemployed now.

In the central cities, those who lack a basic education and are unable to hold a steady job are made up in large part of Negro males, now Afro-American males, many of whom are now in prison instead of on the streets of America between the ages of 18 and 25, I would add parenthetically, many of whom now experience the fact that the leading cause of death among that age group, that is 18 to 25, is now homicide.

In the large cities which we surveyed, Negros were three times as likely as whites to hold unskilled jobs, which were often part-time seasonal low-paying and dead-end jobs. Nothing has changed about those things.

This was 25 years ago, Mr. Speaker, that these things were brought to the attention of the Congress, of which most of us were not Members at the time, and of the American people.

Nothing has been done to move us in the direction in which we should now move.

If we had a household in which priorities in budget had been established and it was such that that budget had been put into action and all of a sudden that household experienced a catastrophe, such as little Johnny coming in from playing in the backyard on a swing set with his arm severed, and little Johnny went to the hospital, you would not need an x ray or an MRI to find out that little Johnny's arm was broken.

We do not need another study to know that little Johnny's arm is broken. Little Johnny is Los Angeles today, but it could be Chicago or Houston or Miami or Detroit or Washington or New York or any other major city in America tomorrow. We do not need another study, it seems to me, to know what is wrong with America.

America has spent too many of its resources, and with the benefit of hindsight, not so much in criticism of what we have done, but of where we are. We have spent our resources rebuilding Japan and Germany after World War II, and we did wonderful work there. There is nothing wrong with that; but in the budget of $1.4 trillion, we neither reduced the deficit to the point where we get to a balanced budget, nor do we address the fundamental underlying cancer that grows on the conscience of America.

It seems to me that we do not need an x ray or an MRI to look at the situation in Los Angeles under a microscope, Mr. Speaker, to know what the nature of the problem is. It is the same as it was in 1968 and in 1967 when we had riots all over this country.

We have too many people who are unemployed. We have too many people who are uneducated and undereducated. We have too many people with no health care. We have too many people with no housing or inadequate housing. We have too many people who subsist on welfare. We have too many people who understand the conditions of life in the ghettos in the United States. So we must redirect our priorities.

We ought to take the resources, or part of the resources that we are now spending and will spend through the

year 2000, some $400 billion, that is $400,000 million that we will spend between now and the year 2000 protecting Germany and Europe from the Soviet Union that wants to join NATO, and protecting Japan from China, while our cities continue to deteriorate, while our cities come apart at the seams, while our young people start the first grade with three of their friends and neighbors from the community and find that of the three of those who graduate from high school, Mr. Speaker, one has a functional equivalency of an eighth grade education and the other dropped out of the eighth grade, while two of those four young people did not receive the value and benefit of the educational resources that we provide.

The Federal Government must provide leadership. The Federal Government is responsible if these problems continue to exist. No one can save us but us.

It is time now for the American people to make the Congress do its duty. The duty of the Congress is to address the problem not of Los Angeles; Los Angeles is only the tip of the iceberg. Los Angeles is only a symptom of the underlying problem. The underlying problem is that we have allowed our infrastructure to erode. We do not spend enough money developing our highways and our sidewalks and the infrastructure of our cities so that we can be proud of them, and as a result most of our citizens who can afford to move out of the cities and move into suburban and rural areas, and on the other end of the spectrum our citizens who live in rural areas find themselves without adequate health care because the doctors are moving from the rural areas into the suburban areas and into the urban areas because they cannot make a living in the rural areas; so rural hospitals are closing all over America and people who are unfortunate enough to need serious trauma care or other serious medical care in the rural areas find themselves having to be transported 200 miles by lifeflight helicopters, if they can find one, in order to get the appropriate medical attention.

We are allowing our country to die on the vine.

It does not require any new spending. It requires a new direction and new priorities. We must have the wisdom, we must have the courage to turn our country around. No one can do that but the Congress of the United States and no one can make the Congress of the United States do that but the American people.

It is time for the people who are sitting in their homes tonight, this evening, who are on their way home from work, who are troubled about what is happening in Los Angeles, to realize that there will not be a response from the mayors of the cities around the Nation or from the county commissioners or county supervisors or State legislators or from the Governors or from the President or from the Congress without some action on their part. They need to turn up the heat on all elected officials, because it is our responsibility to ensure that the new world order that they expect becomes a reality.

It seems to me, Mr. Speaker, that the way to accomplish that is to redirect our priorities so that we spend the $400 billion that we will spend between now and the year 2000 on the people in this country so that we can address the question of AIDS in a forthright and comprehensive manner. AIDS is not a gay disease. It never was. People who thought it was a gay disease are now finding their so-called straight mothers and fathers, sisters and brothers, being afflicted with this dread disease and they are now becoming involved. They should have been involved 6, 8, or 10 years ago, but that is of no moment.

We have low birth weight babies being born all over America, particularly in American cities, because young females do not get prenatal care, Mr. Speaker, they go four term pregnancies, and the first time they see a doctor is when they are in active labor going in to delivery the baby in the hospital.

We need a health care delivery system that addresses the needs of the American people. The people in Germany have a national health care system. The people in Japan have a national health care system and they have it at our expense, because they do not need a standing army to protect them from whatever enemy, real or imagined, exists for them, Mr. Speaker. They have the United States of America to do that for them; but while we do those things for the rest of the world, and there is nothing wrong with doing that, in times of prosperity and better times we can afford to do those things, but we have to tighten the belt. We have to look out for America first. We have to look out for the new world order that exists in this country, when we have frustrated and humiliated young people who have no education, who have no hope, who have no jobs or hopes of a job, who have no health care, who are sleeping on the streets at night. It is no wonder we have violence on the streets.

It seems to me that we need to follow the recommendations of the Kerner Commission. The Commission recommended in the area of education, and again it would seem as if this Commission was done in the last several days.

They recommended sharply increased efforts to eliminate de facto segregation in our schools through substantial Federal aid to the school systems seeking to desegregate either within the system or in cooperation with neighboring school systems.

They recommended elimination of racial discrimination in northern as well as southern schools by vigorous application of title VI of the Civil Rights Act of 1964.

They recommended extension of quality early childhood education to every disadvantaged child in the country.

They recommended efforts to improve dramatically schools serving disadvantaged children through substantial Federal funding of year-round quality compensatory education programs, improved teaching, and expanded experimentation and research.

They recommended elimination of illiteracy through greater Federal support of adult basic education.

They recommended enlarged opportunities for parents and community participation in public schools. They recommended reoriented vocational education, emphasizing work experience, training, and involvement of business and industry.

They recommended expended opportunities for higher education through increased Federal assistance to disadvantaged students.

□ 1710

They recommended revision of the State aid formulas to ensure more per student aid in districts having a higher proportion of disadvantaged school-age children. It is as if these things were reported on and studied in the last 7 days. Every recommendation mentioned here in 1968 has failed to come to fruition.

Every one of these recommendations could have avoided what happened in Los Angeles and what will happen in other American cities unless we do something about it.

In the area of welfare reform, the Kerner Commission recommended that we establish for recipients of existing welfare categories uniform national standards of assistance at least as high as the annual poverty level of income then set by the Social Security Administration at $3,335 per year for an urban family of four.

They recommended that we require all States receiving Federal welfare contributions to participate in aid to families with dependent children, unemployed parent programs which permits assistance to both fathers and mothers in the home, thus aiding the family while it is still intact. That is, rather than requiring that there be no father in the home in order to get the assistance, and therefore we wonder why there are so many one-adult-headed household families on AFDC? Because the Federal Government required them to be that way.

Mr. Speaker, there is no such thing as a fatherless child, there is no such thing as a fatherless child, not even in artificial insemination.

They recommended that the Federal Government bear a substantially great-

er portion of all welfare costs, at least 90 percent of the total payments. We have not done that. They recommended that we increase incentives for seeking employment and job training, but remove restrictions recently enacted by Congress that will compel mothers of young children to work. What they are talking about is the phenomenon in which mothers who presently receive aid to families with dependent children, Mr. Speaker, now have to make a choice, and it is a Hobson's choice; they have to choose between giving up the benefits of health care, which they have as long as they remain unemployed and on AFDC, and they have small children in the household, that of taking a low-wage job or a lower minimum-wage job for an employer who has no health care benefits.

It would seem to be almost criminal for a mother to do such a thing, knowing the frequency with which young children, especially those who do not receive immunizations—and most of these children are not immunized against the common, everyday childhood illnesses, such as measles and mumps, because they do not see a doctor between the age of 6 months when they lose their mother's natural immunity and the time that they are required to get vaccinated when they start the first grade.

These children are more prone to childhood illnesses, they are more prone to scrapes, and bumps, and broken arms, and things like that. So that the mother is then faced with the Hobson's choice of taking a job at a minimum wage for an employer who has no benefits, no health care benefits, and running the risk that if the child gets injured or has an illness that requires hospitalization or treatment—especially after the hours that the clinics in urban America close, which is about 5 in the afternoon in most urban areas—running the risk of sitting all night at the public hospital, in order that the child can be seen. But the child will not be prioritized above the people who come in with gunshot wounds, automobile accidents, knifing incidents. So it is likely, and it is a regular occurrence for most of these people, to have to spend sometimes all night and sometimes several days in the hospital waiting for the child to be seen. That is the choice when you do not have insurance or that of staying at home and at least having benefits of Medicaid and Medicare.

We, that is, the Federal Government, force them, women in particular, to make that choice. That is what the recommendation in 1968 said. We have done nothing, or very little, to improve upon those conditions since.

They also recommended that we provide more adequate social services through neighborhood centers and family planning programs. Oh, let us not talk about family planning; that is a verboten word around here.

Remove the freeze placed on the 1967 welfare amendment on the percentage of children in the State that can be covered by Federal assistance, eliminate residence requirements; these are recommendations that were made a quarter of a century ago that we have not needed.

These are recommendations that we ought to have been about with respect to housing for people, so that people are not called homeless. Homeless is a nice, kind word for saying to the people that they are not homeless, they are houseless. So we do not want to deal with those people.

So what we have is a situation in this country where we have allowed this sore to fester and grow. It is no wonder that we had the incident that we had in Los Angeles; that is not to condone, once again, for those who might be watching, I do not condone in any way what happened in Los Angeles. But I surely understand what it is like to have no hope.

The last thing we want to do in this country is to take hope away from a vast section of the American people.

So, for those who wish to know and understand what it is that we as a nation can do, what should be our proper response as a civilized society to the tragedies, several in nature, which occurred in Los Angeles, CA, on Wednesday last, and for several days thereafter? We must renew our faith and out dedication to our American values and principles. We must stand shoulder to shoulder to address these problems, and we must make our elected officials not give us lipservice and another study and spend 2 more years and a few dollars working on these programs, for within the budget that we already have we need to redirect our priorities from looking across the Atlantic Ocean and the Pacific Ocean to looking within the shores of this country from Seattle, WA, to Miami, FL, and from Bangor, ME, to San Diego, CA, crisscrossing this Nation. Mr. Speaker, those are people who need our help. We must provide that help. We must provide it now because the number of people who fit within the category of those who are underrepresented in the Congress of the United States and who are underserved by the resources available in the United States, continue to grow.

As our economy continues in its downward spiral, more and more people are out of work. People who were working 2 years ago are now without a job. They are sleeping in their cars. They sleep on the ground sometimes; they dig holes in the ground because there is not enough room in the shelter.

We must address these problems, and we must address them in a forthright manner. We do not need a study, we do not need a civil rights commission; we do not need any other commission to look at the problem to know what is wrong. We need action by the Congress, and we need it now.

It will not cost any more money than we were already planning to spend over the next biennium or the next 8 years between now and the year 2000. All it takes is the will and the courage to say that we will reduce the military budget and we will look carefully at all of the items currently in the budget because we did not know, we could not assume that what has happened in Los Angeles would happen, but it did.

Ours is the duty of ensuring that we do something about it. So, it seems to me the new world order must include a commitment to preserving peace as our first responsibility of Government. And there is no peace where there is no justice, and where there is no justice there will always be violence; there will be violence in American cities—and I hope I am wrong—unless we do something to address the underlying conditions that confront us as a nation.

Now, some will say that such remarks appear to be nothing more than whining, that one who is a part of the underclass is whining about what we have not accomplished in this country.

Mr. Speaker, we have to reform the education system and the health care system, not for people like myself but for those whom we saw on television on the streets of Los Angeles, because there are a lot of them.

You see, Mr. Speaker, they had crime in Los Angeles before the Rodney King verdict came in. The people in that community learned to live with crime on a daily basis, unfortunately. They continue to live with crime.

Mr. Speaker, the senior citizens locked themselves in their houses. Their houses became prisons for them because they have to lock the criminals out, so they end up locking themselves in with burglar bars on their houses.

We have not provided an adequate response. We have not provided an opportunity to improve the quality of life for the senior citizens in our country. We have not provided a Marshall plan for the American cities. We have not moved boldly to put funds into reducing crime in American cities. We pass a lot of criminal laws, a lot more people are in prison, ending up costing the American taxpayers more and more money, because it costs $40,000 a year to lock one of those criminals up in prison. But we do not spend that much money on the victim of the crime, Mr. Speaker.

□ 1720

Mr. Speaker, we need to be about the business of redirecting the priorities of this Nation, and we are the people who have the responsibility to do that. Unless we do, then we will always have conditions that lend themselves to the frustration and violence that we saw both in action to the police officers who visited their hostilities upon Rod-

ney King and in the actions of the jury who felt afraid of the Rodney Kings of the world and felt it was us against them, and they wanted to protect the police officers to ensure that the police officers would do their duty on behalf of the American people. So, we give the police officers the benefit of the doubt even when we watch it on television and we see blow, after blow, after blow administered to this human being who is lying on the ground. We would not have allowed a citizen or a police officer to beat a German shepherd like Rodney King was beaten on the ground in Los Angeles.

Mr. Speaker, most good-thinking people in this country would have attempted to stop another citizen, or even a police officer, from beating a dog like they beat Rodney King, but Rodney King is not the problem. It is the mindset that we have in this country that is the problem that allows people to think that they can get away with doing that to another human being and allows a jury to think that we would justify, that American people would justify that, but they have been wrong because all the polls that have been taken have indicated that across this land people have spoken out against and feel very strongly about what happened in Los Angeles. And, if we allow it to be swept under the rug and allow that to be the end of it, then it will happen again tonight in some American city, and it will happen again tomorrow and the day after.

Mr. Speaker, we must have the courage as a Congress to stand up and do what is right, and what is right is to put money into law enforcement, put money into training law enforcement officers so that they will understand that they have the responsibility of arresting the criminals in the society, but they are not to be the judges, and the jury, and the executioners of the criminals they catch. We expect them to take them to jail. That is the end of their responsibility. We must infuse money into education, and health care, and employment, and preventing drugs from coming into this country, and reducing crime on our streets, and providing housing for all of our people, and cleaning up our environment, and redeveloping our infrastructure, and we can do that without spending one additional dollar over what we will spend between now and the year 2000, while at the same time significantly reducing the deficit.

If only we have the will and we have the courage to do that, then what we have to do in order to do that, Mr. Speaker, is to go back and take down the walls that exist between the budget, the discretionary spending, and the military spending. When we passed that budget in 1990, we did not know that the Berlin Wall would come down, but we erected another wall in its place. When we passed that budget in 1990, we did not know that the conditions would continue to fester as they have in American cities, such as they are reaching a boiling point. When we passed that budget in 1990, we did not know that the new world order was in this country and not in the rest of the world.

We need to be about the business of cleaning up our own house, Mr. Speaker, and we must begin by reorganizing our priorities, and our priorities must be to put America first. When we do that, when we address the findings of the Kerner Commission report, then we will be able to sleep well at night, and we will have done the best that we can for the American people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PASTOR (at the request of Mr. GEPHARDT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MEYERS of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. GALLEGLY, for 5 minutes, today.

Mr. EMERSON, for 5 minutes, today.

Mr. HAMMERSCHMIDT, for 60 minutes, on May 12.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous material:)

Mr. MAZZOLI, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. WASHINGTON, for 60 minutes, today.

Mr. ALEXANDER, for 60 minutes, on May 12.

Mr. THORNTON, for 60 minutes, on May 12.

Mr. SCHEUER, for 60 minutes, each day on May 12, 13, and 14.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. MEYERS of Kansas) and to include extraneous matter:)

Mr. PURSELL.

Mr. MICHEL.

Mr. COUGHLIN.

Mr. GREEN of New York.

Mr. MCEWEN.

Mr. LEWIS of California.

Mr. GALLO.

Mr. GOODLING.

Mr. MOLINARI.

Mr. BILIRAKIS.

Mr. EMERSON.

Mr. GRADISON.

Mr. KOLBE in two instances.

Mr. MACHTLEY.

Mr. VANDER JAGT.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. HOYER.

Mr. ABERCROMBIE.

Mr. STARK.

Mr. KANJORSKI.

Mr. ROE.

Mr. CAMPBELL of Colorado.

Mr. WAXMAN.

Mr. ACKERMAN.

Mr. REED.

Mr. MONTGOMERY.

Mr. DWYER of New Jersey.

Mr. LANCASTER.

Mr. WYDEN.

Mrs. LOWEY of New York in six instances.

Mr. TRAXLER.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 466. Joint resolution designating April 26, 1992, through May 2, 1992, as "National Crime Victims' Rights Week"; and

H.J. Res. 430. Joint resolution to designate May 4, 1992, through May 10, 1992, as "Public Service Recognition Week".

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3. An act to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and benefits for congressional election campaigns, and for other purposes.

ADJOURNMENT

Mr. WASHINGTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 24 minutes p.m.) under its previous order the House adjourned until Monday, May 11, 1992, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3465. A communication from the President of the United States, transmitting the bi-

monthly report on progress toward a negotiated solution of the Cyprus problem, including any relevant reports from the Secretary General of the United Nations covering the second half of October and all of November and December 1991, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

3466. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Peter Barry Teeley, of Virginia, to be Ambassador to Canada, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3467. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Robert L. Barry, of New Hampshire, to be Ambassador to the Republic of Indonesia; of Reginald Bartholomew, of the District of Columbia, to be the United States Permanent Representative on the Council of the North Atlantic Treaty Organization; of Adrian A. Basora, of New Hampshire, to be Ambassador to the Czech and Slovak Federal Republic, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3468. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting the texts of ILO Convention No. 172 and Recommendation No. 179 concerning working conditions in hotels, restaurants, and similar establishments as adopted by the International Labor Conference at its 78th session, at Geneva, June 25, 1991, pursuant to article 19 of the Constitution of the International Labor Organization; to the Committee on Foreign Affairs.

3469. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on claims for loss of property incident to service, pursuant to Public Law 101-138, section 154 (105 Stat. 674); to the Committee on Foreign Affairs.

3470. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1991, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3471. A letter from the Chairman, National Transportation Safety Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3472. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3473. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3474. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3475. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3476. A letter from the Secretary of Energy, transmitting a report on the status of research and development activities during fiscal year 1991 and actual and anticipated obligation of funds in accordance with the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988, pursuant to 15 U.S.C. 5107; to the Committee on Science, Space, and Technology.

3477. A letter from the Secretary of the Interior, transmitting a report on findings and recommendations of the North Carolina Environmental Sciences Review Panel, pursuant to Public law 101-380, section 6003; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON: Committee on Rules. House Resolution 452. Resolution providing for the consideration of the bill (H.R. 4111) to amend the Small Business Act to provide additional loan assistance to small businesses, and for other purposes (Rept. 102-515). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McCURDY:

H.R. 5095. A bill to authorize appropriations for fiscal year 1993 for intelligence and intelligence-related activities of the U.S. Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. BROOKS:

H.R. 5096. A bill to supersede the Modification of Final Judgment entered August 24, 1982, in the antitrust action styled United States versus Western Electric, civil action No. 82-0192, U.S. District Court for the District of Columbia; and for other purposes; to the Committee on the Judiciary.

By Mr. MONTGOMERY:

H.R. 5097. A bill to amend title 38, United States Code, to improve benefits in certain education and employment programs for veterans, and for other purposes; jointly, to the Committees on Veterans' Affairs, Education and Labor, Banking, Finance and Urban Affairs, and Armed Services.

H.R. 5098. A bill to amend title 10, United States Code, to allow members of the Selected Reserve to use educational assistance for graduate programs; jointly, to the Committees on Armed Services and Veterans' Affairs.

By Mr. MILLER of California (for himself, Mr. HANSEN, Mr. MARKEY, Mr. MURPHY, Mr. RAHALL, Mr. DE LUGO, Mr. GEJDENSON, Mr. KOSTMAYER, Mr. RICHARDSON, Mr. OWENS of Utah, Mr. LEWIS of Georgia, Mr. CAMPBELL of Colorado, Mr. DEFAZIO, Mr. FALEOMAVAEGA, Mr. JOHNSON of South Dakota, Mr. SCHUMER, Mr. JONTZ, Mr. ABERCROMBIE, Mr. DARDEN, Mr. SHARP, Mr. WILLIAMS, Mr. DELLUMS, Mr. LANTOS, Ms. PELOSI, Mr. RIGGS, and Mr. JOHNSTON of Florida):

H.R. 5099. A bill to provide for the restoration of fish and wildlife and their habitat in the Central Valley of California, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. ROSTENKOWSKI (for himself, Mr. GEPHARDT, Mr. LEVIN of Michigan, Mr. PEASE, Mr. MCGRATH, Mr. MATSUI, Mrs. KENNELLY, Mr. MAZZOLI, Mr. FAZIO, and Mr. ECKART):

H.R. 5100. A bill to strengthen the international trade position of the United States; to the Committee on Ways and Means.

By Mr. DREIER of California:

H.R. 5101. A bill to provide eligibility for small business concerns employing socially and economically disadvantaged individuals to participate in Federal procurement programs, and for other purposes; to the committee on Small business.

By Mr. GONZALEZ (for himself and Ms. WATERS):

H.R. 5102. A bill to authorize emergency loan guarantee assistance in connection with section 108 of the Housing and Community Development Act of 1974 for developing and reestablishing businesses in areas affected by certain civil disturbances during April and May of 1992, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. CAMP:

H.R. 5103. A bill to amend the Internal Revenue Code of 1986 to exempt medical benefits from the restrictions on welfare benefit funds; to the Committee on Ways and Means.

By Mr. CAMPBELL of California:

H.R. 5104. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to defense contractors for expenses of retraining their employees; to the Committee on Ways and Means.

By Mr. CHANDLER (for himself, Mr. YOUNG of Alaska, Mr. MONTGOMERY, Mr. ROBERTS, Mr. STENHOLM, Mr. MARLENEE, Mr. HALL of Texas, Mr. SMITH of Oregon, Mr. PARKER, Mr. HERGER, and Mrs. VUCANOVICH):

H.R. 5105. A bill to amend the Endangered Species Act of 1973 to ensure adequate analysis before application of requirements and prohibitions under that act to a species, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DOWNEY (for himself and Mr. MCGRATH):

H.R. 5106. A bill to amend title XVIII of the Social Security Act to disregard months during which a retiree is a former employee and covered under a group health plan of an employer for purposes of calculating the penalty for late enrollment under part B of such title; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. FAZIO:

H.R. 5107. A bill to establish a program in the Department of Defense to promote electric vehicle and infrastructure development; jointly, to the Committees on Armed Services and Science, Space, and Technology.

By Mr. GALLEGLY:

H.R. 5108. A bill to amend the Internal Revenue of 1986 to provide that dislocated defense workers are eligible for the targeted jobs credit; to the Committee on Ways and Means.

By Mr. GOODLING:

H.R. 5109. A bill to assist community, business, and worker readjustment required as a

result of the closure of military installations and reductions in defense spending; jointly to the Committees on Armed Services, Banking, Finance and Urban Affairs, Education and Labor, and Small Business.

By Mr. HERGER (for himself, Mr. ROBERTS, Mr. CONDIT, Mr. STENHOLM, Mr. EMERSON, Mr. DOOLEY, Mr. LEWIS of Florida, Mr. BOEHNER, Mr. WALSH, and Mr. MORRISON):

H.R. 5110. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to public health pesticides; to the Committee on Agriculture.

By Mr. KOLBE:

H.R. 5111. A bill to authorize the Secretary of the Interior to provide assistance to the Casa Malpais National Historic Landmark in Springerville, AZ; to the Committee on Interior and Insular Affairs.

By Mr. LOWERY of California:

H.R. 5112. A bill to amend the Fair Labor Standards Act of 1938 to provide that an employee shall not be excluded from the minimum wage and maximum hour exemption for certain employees because the employee is not paid on a salary basis, and for other purposes; to the Committee on Education and Labor.

By Mr. LUKEN:

H.R. 5113. A bill to abolish the Temporary Emergency Court of Appeals; jointly, to the Committees on Banking, Finance and Urban Affairs, the Judiciary, and Energy and Commerce.

By Mr. MCCOLLUM:

H.R. 5114. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for a portion of child support payments, and for other purposes; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself, Mr. STARK, Mr. CARDIN, and Mr. MOODY):

H.R. 5115. A bill to amend title XVIII of the Social Security Act to require physicians not participating in the Medicare Program to refund amounts paid for physicians' services by individuals enrolled under part B of the program in excess of the limiting charges applicable to such services, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Ms. OAKAR:

H.R. 5116. A bill to continue and expand programs to assist defense workers and communities adversely affected by base closures or reductions in defense spending, promote the conversion of defense contractors, including defense contractors that are small businesses, and encourage exports of U.S. products and services; jointly, to the Committees on Armed Services, Education and Labor, Small Business, and Banking, Finance and Urban Affairs.

By Mr. OWENS of Utah (for himself and Mr. BROOMFIELD):

H.R. 5117. A bill to prohibit United States assistance to Serbia and Montenegro; to the Committee on Foreign Affairs.

By Mr. OWENS of Utah:

H.R. 5118. A bill to exchange lands within the State of Utah, between the United States and the State of Utah; to the Committee on Interior and Insular Affairs.

By Mr. PERKINS:

H.R. 5119. A bill to authorize the construction of the Cumberland Mountain Trail in the States of Kentucky and Virginia, to study the establishment of the Cumberland National Recreation Area in the States of Kentucky and Virginia, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. WEISS:

H.R. 5120. A bill to establish an Intergovernmental Commission on Health Care Fraud and Abuse; jointly, to the Committees on Energy and Commerce, the Judiciary, and Ways and Means.

By Mr. RICHARDSON:

H.R. 5121. A bill to amend the Solid Waste Disposal Act to establish citizens advisory boards for Department of Energy nuclear weapons facilities and to require the Administrator of the Agency for Toxic Substances and Disease Registry to conduct public health assessments of such facilities; to the Committee on Energy and Commerce.

H.R. 5122. A bill relating to the settlement of the water rights claims of the Jicarilla Apache Tribe; to the Committee on Interior and Insular Affairs.

By Mrs. SCHROEDER:

H.R. 5123. A bill to improve the collection of child support; jointly, to the Committees on Ways and Means and the Judiciary.

By Mr. SCHUMER:

H.R. 5124. A bill to amend the Federal Trade Commission Act to provide for regulation by the Federal Trade Commission of advertisements by air carriers, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. SHAYS (for himself, Ms. SNOWE, Mrs. JOHNSON of Connecticut, Mr. PETRI, Mr. KLUG, Mr. PAXON, Mr. ZIMMER, Mr. GOODLING, Mr. FAWELL, Mr. FRANKS of Connecticut, Mr. ROHRABACHER, Mr. COMBEST, Mr. RIGGS, Mr. LEWIS of Florida, Mr. SENSENBRENNER, Mr. LEWIS of California, Mrs. VUCANOVICH, and Mr. VALENTINE):

H.R. 5125. A bill to amend the Congressional Budget Act of 1974 to expand the requirement that legislation be accompanied by cost estimates of its impact on State and local governments; jointly, to the Committees on Government Operations and Rules.

By Mr. VENTO (for himself, Mr. WYLIE, Mr. MRAZEK, Mr. TAYLOR of North Carolina, Mr. CUNNINGHAM, Mr. HAMILTON, Mr. MCMILLAN of North Carolina, Mr. ROSE, Mr. SHAW, Mr. STUMP, Mr. TALLON, Mr. ORTIZ, and Mr. DOOLITTLE):

H.R. 5126. A bill to direct the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the beginning of the protection of Civil War Battlefields, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. VUCANOVICH:

H.R. 5127. A bill to designate the U.S. courthouse and Federal building to be constructed at the southeastern corner of Liberty and South Virginia Streets in Reno, NV, as the "Bruce R. Thompson United States Courthouse and Federal Building"; to the Committee on Public Works and Transportation.

By Mr. HOLLOWAY:

H.J. Res. 480. Joint resolution disapproving the action of the District of Columbia Council in approving the Health Care Benefits Expansion Act of 1992; to the Committee on the District of Columbia.

By Mr. MCCOLLUM:

H.J. Res. 481. Joint resolution designating May 1992 as "Older Americans Month"; to the Committee on Post Office and Civil Service.

By Mr. MCNULTY (for himself and Mr. HORTON):

H.J. Res. 482. Joint resolution designating June 14, 1992, as "National Pledge of Allegiance to the Flag Centennial Day"; to the Committee on Post Office and Civil Service.

By Mr. GLICKMAN:

H. Res. 453. Resolution to express the sense of the House of Representatives regarding the need to increase budget authority for the reduction of violent crime, the rehabilitation of American youth, and the revitalization of American cities; jointly, to the Committees on Armed Services, Foreign Affairs, Education and Labor, Banking, Finance and Urban Affairs, and the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

414. The SPEAKER presented a memorial of the Senate of the State of Maine, relative to the legal availability of RU-486 for appropriate research and, if indicated, clinical practice; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. PICKETT:

H.R. 5128. A bill to authorize a certificate of documentation for the vessel *Reddy Jane*; to the Committee on Merchant Marine and Fisheries.

By Mr. MCCOLLUM:

H.R. 5129. A bill for the relief of Thomas L. Bowers; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. ROEMER, Mr. WASHINGTON, and Mr. HAYES of Louisiana.

H.R. 23: Mr. DUNCAN, Mr. WEBER, Mr. GAYDOS, Mr. BOEHNER, Mr. OXLEY, Mr. LENT, and Mr. TOWNS.

H.R. 300: Mr. FRANKS of Connecticut.

H.R. 528: Mr. SANDERS and Mr. ATKINS.

H.R. 617: Mr. WISE.

H.R. 645: Mr. GOSS.

H.R. 784: Mr. NEAL of North Carolina.

H.R. 911: Mr. CARDIN.

H.R. 917: Mrs. KENNELLY.

H.R. 1126: Mr. TORRES.

H.R. 1181: Mr. ATKINS.

H.R. 1430: Mr. MACHTLEY.

H.R. 1468: Mr. ROGERS and Mr. FRANKS of Connecticut.

H.R. 1692: Mr. SOLOMON.

H.R. 1820: Mr. MANTON and Mr. CRAMER.

H.R. 2164: Mr. MORAN, Mr. HOAGLAND, Mr. BOEHNER, Mr. GLICKMAN, and Mr. ANDREWS of New Jersey.

H.R. 2200: Mr. MCMILLEN of Maryland.

H.R. 2255: Mr. SMITH of Texas.

H.R. 2258: Mr. ATKINS and Mr. LIPINSKI.

H.R. 2840: Mr. FAZIO.

H.R. 2966: Mrs. JOHNSON of Connecticut, and Mr. BEREUTER.

H.R. 3051: Mrs. LOWEY of New York and Mr. SERRANO.

H.R. 3082: Ms. HORN.

H.R. 3373: Mr. MCDERMOTT, Mr. SOLARZ, Mr. HOCHBRUECKNER, and Mr. NOWAK.

H.R. 3838: Mr. DEFAZIO, Mr. SENSENBRENNER, Mrs. VUCANOVICH, and Mr. STALLINGS.

H.R. 3864: Mr. JOHNSON of South Dakota.

H.R. 3871: Mr. MCNULTY, Mr. SERRANO, Mr. LEVINE of California, Mr. AUCOIN, Mr. TOWNS, Mr. FOGLIETTA, Mr. WOLF, Mr. OBERSTAR, and Mr. BACCHUS.

H.R. 3927: Mr. DINGELL.
H.R. 3989: Ms. OAKAR.
H.R. 3992: Ms. OAKAR.
H.R. 4002: Mr. RICHARDSON, Mr. FRANK of Massachusetts, Mr. PASTOR, and Mr. LIPINSKI.
H.R. 4008: Mrs. BENTLEY, Mr. HAMILTON, Mr. KLECZKA, Mr. FEIGHAN, Mrs. VUCANOVICH, Mr. VISCLOSKY, and Mr. LIPINSKI.
H.R. 4089: Mr. KOLBE, Mr. FALEOMAVAEGA, and Mr. TAUZIN.
H.R. 4175: Mr. RANGEL.
H.R. 4206: Mr. WELDON and Mr. STARK.
H.R. 4234: Ms. KAPTUR.
H.R. 4272: Mr. MAZZOLI, Mr. GOODLING, and Mr. OWENS of Utah.
H.R. 4399: Mr. LEHMAN of California and Mr. LANTOS.
H.R. 4414: Ms. KAPTUR, Mr. TOWNS, and Mr. GEJDENSON.
H.R. 4416: Mr. ROSE and Mrs. COLLINS of Michigan.
H.R. 4435: Mr. ENGEL, Mr. BARNARD, and Mr. MOODY.
H.R. 4476: Mr. BOEHNER.
H.R. 4537: Mr. PERKINS.
H.R. 4542: Mr. SOLARZ, Mr. NOWAK, Mr. RAMSTAD, and Mr. LEVINE of California.
H.R. 4613: Mr. HANCOCK and Mr. STEARNS.
H.R. 4706: Mr. STARK.
H.R. 4725: Mr. MCNULTY, Mr. BLAZ, Mr. RITTER, and Mr. FALEOMAVAEGA.
H.R. 4748: Mr. OWENS of New York, Mr. DELLUMS, Mr. TOWNS, and Mr. RANGEL.
H.R. 4750: Mr. CLAY.
H.R. 4885: Mr. YOUNG of Alaska.
H.R. 4902: Mr. LANCASTER and Mr. ROGERS.
H.R. 4905: Mr. SIKORSKI and Mr. EVANS.
H.R. 4924: Mr. AUCOIN.
H.R. 4957: Mr. DANNEMEYER, Mr. BLACKWELL, Mr. OWENS of Utah, Mr. SCHIFF, Mr. JEFFERSON, and Mr. SOLOMON.
H.R. 4991: Mr. MCCLOSKEY, Mr. FRANK of Massachusetts, Mrs. SCHROEDER, Mr. MCNULTY, Mr. EVANS, Mr. HORTON, Mr. MORAN, and Ms. HORN.
H.R. 5014: Mr. SYNAR, Mr. PERKINS, Mr. MOODY, and Mr. LIGHTFOOT.
H.R. 5019: Mr. ZELIFF, Mr. BOEHNER, and Mr. LIVINGTON.
H.R. 5069: Mr. CAMPBELL of California.
H.J. Res. 81: Mr. MCCRERY.
H.J. Res. 271: Mr. HUBBARD.
H.J. Res. 378: Mr. FORD of Michigan.
H.J. Res. 385: Mr. ENGEL.
H.J. Res. 411: Mr. POSHARD.
H.J. Res. 426: Mr. FALEOMAVAEGA.
H.J. Res. 442: Mr. BILIRAKIS, Mr. CAMP, Mr. CHANDLER, Mr. KASICH, Mr. MOLLOHAN, Mr. FAZIO, Mr. HUTTO, Ms. SLAUGHTER, Mr. ANNUNZIO, Mr. LIPINSKI, Mr. HAYES of Illinois, Mr. MCMILLAN of North Carolina, and Ms. PELOSI.
H.J. Res. 445: Mrs. MINK, Mr. HANSEN, Ms. DELAURO, Mr. MANTON, Mr. LANCASTER, Ms. NORTON, Mr. JEFFERSON, Mr. PRICE, and Mr. MINETA.
H.J. Res. 470: Mr. DYMALLY, Mr. LIPINSKI, Mr. FALEOMAVAEGA, and Mr. SCHIFF.
H.J. Res. 479: Mrs. COLLINS of Illinois, Mr. MAZZOLI, Mr. TRAFICANT, Ms. DELAURO, Mr. PARKER, and Mr. LAUGHLIN.
H. Con. Res. 42: Mr. ZELIFF.
H. Con. Res. 180: Mr. GEJDENSON and Mr. SAWYER.
H. Con. Res. 210: Mr. HERGER.
H. Con. Res. 233: Mr. BUSTAMANTE, Mr. MANTON, Mr. SCHAEFER, Mr. SUNDQUIST, Mr. LAROCCO, and Mr. RAVENEL.
H. Con. Res. 246: Mr. PETERSON of Florida, Mr. AUCOIN, and Mr. GAYDOS.
H. Con. Res. 299: Mr. JONES of Georgia and Mr. SWETT.
H. Res. 370: Mr. SMITH of Oregon, Mr. WALSH, Mr. AUCOIN, Mr. YOUNG of Florida, Mr. OXLEY, and Mr. ZELIFF.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under cluase 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4750: Mr. MURPHY.

SENATE—*Thursday, May 7, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

PRAYER

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

Let us pray:

Blessed is the nation whose God is the Lord * * * .—Psalm 33:12.

Almighty God, as 500 cities and 50 States join in this National Day of Prayer, grant to those who pray Your wisdom and will. May the words of President Lincoln, as he set aside April 30, 1863, as a day of "National Humiliation, Fasting and Prayer," speak to our hearts on this day.

"* * * It is the duty of nations, as well as of men, to owe their dependence upon the overruling power of God, to confess their sins and transgressions, in humble sorrow, yet with assured hope that genuine repentence will lead to mercy and pardon, and to recognize the sublime truth, announced in the Holy Scriptures and proven by all history, that those nations only are blessed whose God is the Lord. * * * We have been preserved these many years in peace and prosperity. We have grown in numbers, wealth and power as no other nation has ever grown. But we have forgotten God. We have forgotten the gracious hand which preserved us in peace, and multiplied and enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us! It behooves us, then, to humble ourselves before the offended Power, to confess our national sins, and to pray for clemency and forgiveness * * * ."

Hear us, for the glory of God and the healing of the Nation. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 7, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

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 12:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Tennessee [Mr. GORE] is recognized to speak up to 20 minutes. The Senator from Tennessee.

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

ORDER OF PROCEDURE

Mr. GORE. Let me say that some of my colleagues who were planning to speak at this hour are now going to come to the floor at 10:30 for a continuation of a discussion about global climate change and remedies which we can adopt in the legislative branch of Government in the form of legislation that I am going to introduce today and that is pending in the other body as well.

Let me say that I am going to start off this debate this morning for the next 15 to 20 minutes, and then some of our colleagues who wish to address other subjects will be taking the floor. And then at 10:30, the Senate will return to the subject I am about to discuss now, and that is what I believe we can do and should do and must do about global climate change.

GLOBAL CLIMATE PROTECTION ACT

Mr. GORE. Mr. President, I rise at this point to introduce legislation that will do what President Bush has thus far failed to do, and that is to commit our country to a goal it can meet that is critical to our future and the future of the global environment.

I am very proud that the majority leader, Senator MITCHELL, is a cosponsor of this legislation. Let me also mention with pride and gratitude the other original cosponsors of this legislation: My distinguished friend and colleague and partner in all these efforts, the Senator from Colorado [Mr. WIRTH]; the Senator from Massachusetts [Mr. KERRY], who has been very active on these issues, as have all of these Senators I am about to mention; the Senator from Washington [Mr. ADAMS]; the distinguished occupant of the chair, the Senator from Hawaii [Mr. AKAKA]; the Senator from California [Mr. CRANSTON]; Senator DODD; Senator JEFFORDS; Senator BOB KERREY from Nebraska; Senator LAUTENBERG; Senator LEAHY; Senator LIEBERMAN; Senator WELLSTONE, who was just here a moment ago and will be returning to the floor; and Senator KENNEDY.

I will ask unanimous consent that the full text of my remarks appear after the text of the legislation as it is introduced.

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

S. 2668

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 "Global Climate Protection Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) manmade emissions of carbon dioxide (CO_2) are dramatically increasing the natural concentrations of this greenhouse gas in the Earth's atmosphere;

(2) the world's leading scientific experts, including the Intergovernmental Panel on Climate Change and the United States National Academy of Sciences, have concluded that continued emissions of CO_2 and other greenhouse gases will lead to a warming of the global climate;

(3) such a change in global climate could—

(A) increase the frequency and severity of hurricanes and droughts;

(B) have disastrous impacts on the planet's agricultural productivity;

(C) flood coastal areas and wetlands;

(D) inundate drinking water supplies with salt water;

(E) devastate many of the planet's natural ecosystems;

(F) cause serious human health impacts; and

(G) threaten the habitability of the Earth;

(4) an international agreement is needed soon to provide for the effective control of CO_2 and other greenhouse emissions globally;

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

(5) among the world's major industrialized nations, only the United States has failed to commit itself to stabilizing emissions of CO_2 at 1990 levels by the year 2000;

(6) numerous studies, including analyses by the National Academy of Sciences and the Congressional Office of Technology Assessment, show that CO_2 emissions in the United States can be stabilized at 1990 levels at little or no cost or even a substantial savings to the economy;

(7) a requirement for the stabilization of CO_2 emissions in the United States will be an important first step in responding effectively to the global climate problem and will constitute an important United States commitment towards assuming this country's share of responsibility for protection of the global environment; and

(8) a statutory requirement for the stabilization of CO_2 emissions in the United States will dramatically enhance the prospects for reaching an international agreement to control emissions of greenhouse gases before the United Nations Conference on Environment and Development in Rio de Janeiro in June 1992.

SEC. 3. STABILIZATION OF CO_2 EMISSIONS.

(a) REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the President shall promulgate final regulations that will achieve the stabilization of CO_2 emissions by January 1, 2000.

(2) AUTHORITIES.—The regulations shall use the statutory and administrative authorities of the Environmental Protection Agency and other departments, agencies, and instrumentalities of the United States to achieve the stabilization.

(3) PROPOSAL OF REGULATIONS.—The regulations shall be proposed not later than 1 year after the date of enactment of this Act.

(b) PROGRESS DETERMINATIONS.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act and every 2 years thereafter, the Administrator of the Environmental Protection Agency shall complete an evaluation of the progress made pursuant to the regulations promulgation under this section and to submit a report to Congress containing the results of the evaluation.

(2) DETERMINATION.—Each evaluation shall contain a determination as to whether the regulations promulgated under this section will achieve the stabilization required under subsection (a)(1).

(3) PROMULGATION OF ADDITIONAL REGULATIONS.—If the Administrator determines, pursuant to paragraph (2), that the regulations promulgated under this section will not achieve the stabilization required under subsection (a)(1), the President shall, not later than 1 year after the date of the evaluation containing the determination, promulgate additional regulations that will achieve the stabilization, using the authorities referred to in subsection (a)(2).

(c) CITIZEN ACTION.—

(1) IN GENERAL.—Any citizen of the United States may bring an action in the United States District Court for the District of Columbia against any officer of the United States alleging a failure by the officer to perform any act or duty under this section that is not discretionary with the officer.

(2) ISSUANCE OF ORDERS.—In an action brought pursuant to paragraph (1), the United States District Court for the District of Columbia shall issue such orders as are necessary to ensure that the officer performs the act or duty.

(d) DEFINITION.—As used in this section, the term "stabilization of CO_2 emissions" means the achievement and maintenance of a level of aggregate annual CO_2 emissions from all anthropogenic sources of the emissions in the United States at a level that does not exceed the aggregate level of the emissions in the United States from the sources in 1990.

Mr. GORE. Mr. President, this bill will be open to other original cosponsors all day. I want to invite any other Senators who wish to come to the floor to speak in favor of this measure to come at 10:30 this morning. We have some time to discuss it at that point, at the conclusion of an address on another subject by the distinguished Republican leader.

I also want to express my gratitude to the members of the Senate observer group, which has been working very hard in anticipation and in preparation for the Earth summit in Rio de Janeiro next month. The distinguished Senator from Rhode Island, Senator JOHN CHAFEE, who is the ranking Republican Member of that group, has done an extremely thorough and effective job. All members of the group have.

We have had a regular series of briefings, week in and week out, sometimes several each week. We have been meeting with those people within the administration and some from other countries who are busily preparing the Earth summit in Brazil, and we have learned a great deal about what is likely to take place there. We each have our opinions as to what should take place there, and our expectations of what is likely to take place there.

But this process is going to be a long, involved process. It is not going to stop with the Earth summit in Brazil. What happens there will result in agreements that will come to the Senate floor for debate and ratification. But, frankly, this task is barely beginning. I believe very deeply that the task of saving the Earth's environment will become the central organizing principle for the post-cold-war civilization that has now emerged.

The community of nations we now have in our world is largely committed to the proposition that self-government is the preferred form of political organization on this planet.

There are a few stragglers in China and in North Korea, and we could mention a few others. But even in those nations, the pressure is on to get with the program. The community of nations is now largely committed as well to the proposition that economic freedom—or what might be referred to as modified free markets—represent the chosen form of economic organization on this planet.

Again there are stragglers, but they are under enormous pressure to recognize the inherent advantages which come with economic freedom, and even the stragglers are experimenting with this superior system. North Korea just opened up a free trade zone where capitalism flourishes. Of course, in southern China, along the coast around Shanghai, the market economy is almost taking over already.

Although much work remains to be done, economic and political freedom are on the ascendancy. But the nations throughout the world look at the enormous pressure coming from the population explosion, and the increasingly violent assaults on the integrity of the global ecological system. And they wonder how can we cope with it? How can we maintain and improve the quality of life for the billions of people around the world, and allow economic progress without destroying the Earth's environment?

Earlier this week, the Gallop organization released an interesting public opinion pool taken in 22 countries around the world. Their conclusions were that concerns about the global environment have been increasing dramatically in developing countries, and in industrial countries all over the world. Indeed, a majority in these countries now say that it is more important to stop the destruction of the global environment than it is to avoid paying for the task of cleanup or stimulating more economic growth.

I happen to believe that a healthy economy and a healthy environment go hand in hand, and it is another reason why I believe that this task of saving the Earth's environment must become the central organizing principle to the post-cold-war world.

In the last few years, the organizing principle in the Western democracies has been the defeat of communism. Toward that end, we passed the interstate highway bill as the defense interstate highway bill. We passed Federal aid to education after the Russians launched Sputnik, and people from all points on the ideological spectrum agreed that we had to pay attention to the quality of education for the next generation, whether they became rocket scientists, valuable in the military struggle with the former Soviet Union at that point, or whether they contributed to the health and vitality of our Nation in other ways.

Now we have achieved the strategic goal of the last half-century, and communism has collapsed, and people in all nations, having adopted the premise that our ideas about economic and political freedom are valid and preferable to the system advocated by the former Soviet Union, are now looking to the United States of America for leadership in this new world. They are wondering what the new task integrating our cooperative efforts around the world will be, and what the new organizing principle will become.

Given the degradation of the Earth's environment, given the destruction of the integrity of the Earth's ecological system with the threat of climate change, stratospheric ozone depletion, destruction of an acre and a half of

rain forest every second, loss of species at a rate 1,000 times greater than the natural background rate of extinction, threatening to kill off more than half of all the living creatures God put on Earth in the lifetimes of our children, given the poisoning of the oceans, the evidence coming in the form of mammals like dolphins floating up dead on the beaches near Corpus Christi and the Mediterranean seals on the North Sea and on the east coast of the United States, cancerous lesions the size of golf balls on sea turtles all over the world, toxic red tide appearing with increasing frequency in every single ocean of the world—these warning signals are unmistakably clear.

Some who are quite comfortable with the status quo, and wish to see no particular change, who are perhaps profiting from the continued emissions of these polluting gases at current rates, try to argue that there is no real reason for concern. In fact, there is. It reminds me—when I hear these self-interested skeptics who say we do not really need to do anything—of the long struggle by the tobacco industry to convince our country that there really is no connection between smoking and lung cancer for decades after the scientific community told us, yes, there is.

Now we have the same effort on the part of those who want to continue putting this pollution into the Earth's atmosphere at an unbelievable level. All of those oil well fires in Kuwait, on the very worst day when they were burning at maximum intensity, all 600 blackening the sky throughout the Middle East and over large regions of the Indian Ocean, that total amount of pollution represented less than 1 percent of what we are doing today. So it is great that we put those fires out. But we are doing 100 times that much today.

Just as there is a link between smoking and lung cancer, there is a link between our global civilization's 10-pack-a-day habit and what the scientists call global climate change and global warming, which is in turn only the most serious manifestation of the underlying ecological crisis which comes from a collision between industrial civilization as it is now constituted and the ecological system of the Earth.

In order to deal with this, in order to recognize it, confront it, and begin to prepare a plan for cooperative action to stop this destruction, the Earth summit is being held in Rio de Janeiro. As we meet this morning, representatives from 175 nations around the world are negotiating in New York City for the sixth and final time in preparation for a climate change convention that is due to be signed in Rio de Janeiro at the Earth summit.

Unfortunately, I must report to my colleagues, throughout these negotiations the Bush administration has been an obstacle, blocking progress. While the rest of the world has agreed on the need for specific targets and timetables, the Bush administration has protested and has made it clear that they would prefer no Earth summit and no treaty to any kind of binding commitment to actually do something about it.

Now the Bush administration has offered a weak substitute that, instead of moving forward, pulls the rest of the nations backwards. The language of the administration's proposal requires nobody to do anything ever. In fact, the list of voluntary measures put out a week ago Friday would satisfy the language that they are proposing as an international treaty.

The danger is that the rest of the world will get the impression that President Bush's retrograde view represents the view of the American people. That is not the case.

So the legislation I am introducing today with the majority leader and 13 other Senators thus far is designed to say in this body and in the legislative branch of our Government representing the people of this country that we believe the United States can meet the goal of stabilizing CO_2 emissions at 1990 levels by the year 2000.

We will be hearing more about this throughout the morning. Let me make one critical point: The Bush administration itself says we can do this with purely voluntary measures at a profit; we will benefit economically from doing it; voluntary measures alone can accomplish it, and by making this commitment, we can have our country show the kind of leadership that is so needed, as we prepare for our summit in Brazil.

Ideally, it would come from the President of the United States. I think that this legislation is needed to send a clear signal that the American people do believe this problem is real and serious and deserves a response, and that we are capable as a nation of giving our response.

Every other industrial nation in the world has been for some time prepared to agree to this commitment. The President, of course, has said he wanted to be the environmental President. That has long since begun to bring snickers from Republicans and Democrats alike. I will elaborate for the record exactly why it is profitable for us to make this commitment.

Why does the President not offer the kind of leadership that he should? Well, I think that he is influenced by some within the energy industry who fear an affect on their short-term profits. I think that is part of the problem. I think that he is really focused on the shortest of short-term considerations. About the longest-term consideration he has is the November election. It is almost week-to-week. They do overnight public opinion polls in the White House and seem at times to use that as a guide for policy. The only long-range vision he has is when he looks into the past to find somebody else to blame for problems that he does not want to accept responsibility for. We saw that with respect to the Los Angeles riots in his unseemly attempt to blame the late President Lyndon Johnson for the riots of 1992 in Los Angeles.

Let me say, Mr. President, that I wish to commend a colleague of mine in the other body, Representative HENRY WAXMAN, of California, for introducing similar legislation there. As many of my colleagues here will recall, during our debate on the energy bill earlier this year, I introduced a measure similar to this legislation in the form of an amendment to that bill. It was filibustered by a few on the Republican side of the aisle. I hope that that will not occur this time around.

This legislation is simple. It would require the United States to stabilize emissions of carbon dioxide at 1990 levels by the year 2000 and, by its enactment, would bring the United States into agreement with the targets and timetables accepted by nations around the world, targets and timetables opposed only by President Bush and his administration.

For a long time, the President said that the reason he was opposed to these targets and timetables is because they would have a uniquely harsh impact on our economy. Now that the studies within his own administration demonstrate that we can meet the target and timetable at a profit with purely voluntary measures, they have a new excuse for not adopting it. Incredibly enough, they say that since we now know we can adopt it without a treaty, we do not need a treaty. That is like saying that since I am not going to rob a bank, we do not need laws against robbing banks.

Where is the idea that the United States can provide leadership to the world? Where is the notion that a President of the United States can provide leadership in our country? We lost that idea in the overnight public opinion somehow? Did they forget to ask that question? If we concentrate only on a prediction of what will happen if we do nothing, and do not accept the task of providing some leadership in the world, then the prospects for the world as a whole to reach a successful climate-change agreement and begin moving into the direction that will lead to a successful confrontation with this issue, and a change in policy to heal our present relationship with the global ecological system, then the Earth summit would be a failure.

In closing, Mr. President, let me say again that several of my colleagues who support this measure will be coming to the floor at 10:30 to continue this discussion. The bill will be open for cosponsorship, for original cosponsorship throughout the day. I urge my col-

leagues on both sides of the aisle to support this legislation and improve the chances of a successful Earth summit.

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

Mr. GORE. Yes.

Mr. JEFFORDS. Mr. President, I understand that others will be here at 10:30. I will not be able to be here then, but I will be speaking to that. In any event, I want to lend my support at this time and put my statement in the RECORD. I deeply appreciate the effort the Senator is putting into this issue and, hopefully, we will see some results.

Thank you, Mr. President.

Mr. GORE. I thank my colleague from Vermont for his very generous comments. Mr. President, may I say that the Senator from Vermont has been an outstanding leader on the issues related to the global environment, showing, as does the Senator from Rhode Island [Mr. CHAFEE] and others, that this is not partisan issue. It is an issue of conscience; it is an issue that separates those who have taken the time to really dig into an understanding of this crisis and those who have accepted the protestations of a few commercial interests, who are worried about short-term profits. I wish to really commend my colleague from Vermont.

I ask unanimous consent that I have 1 additional minute.

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

Mr. GORE. May I remind our colleagues that the real environmental President, if any President deserves that title, would be Teddy Roosevelt, who was a Republican President. The EPA was established during the administration of former President Nixon, and many environmental laws were passed during that era. The essence of conservatism is close to the proposition that important values should be protected and preserved. So there is really no basis for the view that there is some kind of ideological schism in our country between Democrats in favor of protecting the Earth's environment and Republicans being opposed to it.

My own personal view is that the Bush administration has betrayed that Republican legacy. I do not wish to lay that proposition out in the course of saying that it should not be partisan issue. Really what I want to do is to persuade more of my colleagues on the Republican side to listen carefully to the thoughtful comments of the Senator from Vermont and the Senator from Rhode Island, and the many thoughtful proponents on the Democratic side of the aisle of the idea that we can and must face this issue.

The ACTING PRESIDENT pro tempore. The Senator's time is up.

Mr. GORE. Mr. President, I am prepared to suggest the absence of a quorum.

Mr. JEFFORDS. Mr. President, since there is a little time waiting for the special orders, I ask unanimous consent that I may be recognized for 1 minute.

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

Mr. JEFFORDS. Mr. President, I thank my colleagues for their initiative in trying to cap the emissions of greenhouse gases. We must deal with this issue in a substantive way. Resolutions and speeches are fine, but we need more than words, we need action.

Mr. President, I will be brief. There has been a lot of controversy about whether global warming or climate change is a real, potential, or imaginary problem. Some would say that global warming is a hoax, a Third World plot against us. Well, in my opinion, this is rubbish. Yes, third world countries are very concerned about this problem. I believe that is because climate change of any kind is likely to hit them the hardest. These are countries that often cannot feed their own citizens; these are the countries most harmed by drought or by flood. It seems entirely reasonable to me that they would be very concerned about any climate change.

Now as to the probability that climate change will occur, I must express a certain amount of frustration to those that say climate change is unlikely, that we do not know when it will happen or how, and then who go on to conclude that since we do not if and when it will happen we should stop worrying about it. To me, this is like saying we do not know whether or not a building will catch fire, so why put in fire exits?

I believe global warming is a threat. It may be too late already to stop significant changes from occurring or it may not. We do not know with 100 percent certainty. But, we will never know with 100 percent certainty. The point is not whether we can afford to take action to stop climate change from occurring, the point is can we afford not to take action to ensure that climate change does not occur. The risk of significant climate change may be 1 in a 100 or 1 in 10, but even if it's 1 in a 1,000, can we afford the outcome if climate change does occur? I do not think so.

We have the means to address this problem. With voluntary measures we can make significant strides. There is no silver bullet answer. It will take action a lot of fronts. Earlier this year, I offered an amendment to begin the transition away from imported oil to better, renewable alternatives. Each barrel of oil releases over 800 pounds of carbon dioxide to the atmosphere, and every day we burn millions of barrels of oil. This amendment, if adopted, would have created thousands and thousands of jobs, reduced our trade deficit, and begun the transit away from fossil fuels. Instead of taking carbon out of the ground, we would have been recycling the existing carbon in the air.

I think this is an appropriate opportunity to stress that all carbon dioxide is not equal, at least in terms of global warming. Releasing the billions of tons of fossil fuel carbon dioxide is much more damaging that releasing present day biomass carbon dioxide. One major step toward protecting our planet from climate change is to begin to think in renewable terms. What we need is a sustainable carbon cycle. By using biomass at sustainable rates, we can take out as much carbon dioxide as we put in to the atmosphere. I hope that adequate consideration is given in the development of the regulations that would be required by this act to the benefits of renewable energy sources over fossil fuel sources.

There are other measures we could implement to stabilize greenhouse gas levels. Next week, for example, I will offer an amendment encouraging a national deposit system for beverage containers. A national deposit law would reduce our energy consumption by more than 100,000 barrels per day. And, this savings would not decrease jobs, it would increase jobs. Every state that has enacted a deposit law has seen an increase in jobs. Thus, the rhetoric about how action on global warming will cost jobs is just industry propaganda.

The bottlers will go on to say that bottle bills are just too expensive. Have we become so rich that we cannot afford to recycle? Furthermore, how can any CEO making over $80 million a year have the gall to say that their company cannot afford to recycle. I am very anxious for this debate to see how the opposition can respond to this question.

Opponents of responsible action, however, always like to point to any one contribution to the solution as meaningless. Whatever you propose they say, "Oh, but we're only 2 percent or 1 percent of the problem, don't pick on us." Because any one measure alone is not sufficient, they try to say that enacting such a measure would not be fair. Well, let me respond to this strategy in a way that at least my opponents on the bottle bill will understand: "A little sign here, a little sign there, and pretty soon everyone is drinking Budweiser."

Little actions add up. If advertisers did not think little actions did not add up to big sales, you would not see all the ubiquitous advertising.

We have seen the cumulative effects of small actions in the reductions of toxic substance emissions.

Environmental groups have been very effective at turning up the pres-

sure on industries to reduce the releases of toxics. The releases from individual plants may be small compared to all of industry, but added together, these small reductions have lead to a large overall reduction. Maybe we should institute the same reporting system on greenhouse gases and see how public pressure can get us headed in the right direction. Let us see how the brewers compare with each other on greenhouse gas emissions. Let us see whether Coke is the real thing when it comes to the environment, or if the Pepsi generation wins hands down. Who really has the right thing?

We can take action on global warming. I am proud to support the effort of my colleagues and urge everyone to support this effort. It is time to see who else is serious about acting on this problem, and who is not. We have heard many speeches on global warming over the past few years. No more hiding behind accusations that someone else is preventing action on this matter. It is time to put your name on the dotted line.

Mr. President, I commend the Senator from Tennessee for his excellent remarks. I appreciate him pointing out that this is far from a bipartisan issue. I also recognize the Senator from Iowa, who will be seeking recognition shortly, who has worked with me on another part of the global warming puzzle, and that is how important it is that we find sources of energy that do not contribute at all to the addition of carbon dioxide to the atmosphere. Instead, ethanol, what we will be talking about next, is one of those which recycles a carbon already existing above the ground.

Thus, we have alternatives available now—and we will be discussing it for a considerable length of time in a few moments—that indicate that it is quite conceivable and possible for this Nation to go to alternatives that will not add to the global warming problem.

So I would urge all of those who are interested in this to stay tuned to the next 45 minutes or so when we will be discussing one of the most likely logical and sensible alternatives, and that is ethanol.

Mr. President, I yield the floor.

Mr. CRANSTON. Mr. President, I am amazed at the total unwillingness of the Bush administration to deal seriously and effectively with the issue of global warming. President Bush's "vision" problem is very much in evidence when it comes to addressing global climate change.

The United States has now placed itself in the unjustifiable position of being the only industrialized nation refusing to sign an international agreement aimed at curbing CO_2 emissions to 1990 levels by the year 2000. As the largest contributor to the problem, this position insures that the agreement will fail and the opportunity to address the issue in a timely manner will be lost. Instead of being the leader, we have become the obstacle. We can't afford to allow that to happen.

There is a solid scientific consensus that global warming will occur due to the buildup of carbon dioxide and other greenhouse gases in the atmosphere. There is a solid scientific consensus that no matter what action is taken at this point—a certain amount of warming is inevitable and irreversible. And there is a strong scientific consensus that unless concrete and substantial steps are taken to address the the problem now, the consequences could be cataclysmic.

Unfortunately, we do not have the luxury of time on our side. This problem demands immediate attention and concrete action—neither of which the Bush administration is willing to give.

The financial sacrifices taken now to reduce and stabilize CO_2 emissions will pale in comparison to the costs that will be extracted later if we fail to act.

A recent report that came out of the administration indicated that because of already-enacted legislation the cost of meeting the timetables set forth in the agreement could be achieved at a relatively small cost—yet the Bush administration still insists that the further scientific study is needed.

Today, I am joining my colleagues, Senator MITCHELL, Senator GORE and others in introducing the Global Climate Protection Act. This legislation requires the administration to do what it has refused to do—take action to stabilize carbon dioxide emissions at 1990 levels by the year 2000. If President Bush has problems with the "vision thing," Congress does not.

ETHANOL AND THE REFORMULATED GASOLINE PROGRAM

Mr. DOLE. Mr. President, I am pleased that so many of my colleagues are here today to express the same concerns I have been raising for some time regarding EPA's implementation of the reformulated gasoline program under the Clean Air Act.

I commend my colleagues on both sides of the aisle. I know there will be additional speakers who will either be here or insert statements in the RECORD today: Senator SIMON, Senator KERREY of Nebraska, Senator EXON of Nebraska, and maybe others on the Democratic side, and I know there will be a number on this side, too. So there is a bipartisan, nonpartisan interest in this subject matter. And I hope EPA is listening.

It is clear to me and clearly the intent of Congress that all oxygenated fuels, including ethanol blends, be included in the program. Under the narrow interpretation by EPA, ethanol was shut out of the program, and the result will certainly be higher gasoline prices for consumers, a dangerous increased dependence on fuel imports, and a severe economic blow to rural economies.

Mr. President, EPA now seeks comments regarding their proposed final reformulated gasoline regulations on this subject and will hold a hearing May 18. Much of the debate has been technical in nature and involves a question of whether ethanol blends increase ozone formation and therefore would be excluded under the requirements of the Clean Air Act.

I am aware of a new comprehensive urban airshed modeling study involving the area around New York City. The results appear to be conclusive that ozone formation is not affected and may even be reduced by using ethanol-blended gasoline.

Mr. President, I do not claim to be a scientific expert on the Clean Air Act. However, I am satisfied by the results we are seeing from those who are.

For the Record, I am including a more comprehensive statement that lays out this problem in greater detail; a copy of a letter I recently received from the Renewable Fuels Association regarding the Airshed study in New York; a technical paper also from the Renewable Fuels Association detailing this issue; and a summary of the recently concluded study by the National Corn Growers Association that details their conclusions regarding the economic impact of not including ethanol in the program.

Mr. President, I ask unanimous consent that all of those statements be printed at the end of my statement.

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

(See exhibit 1.)

Mr. DOLE. Mr. President, I believe we have made the case, and I am working to organize a meeting between our Nation's leading corn growers, farmers, producers, rural people, and the President of the United States, President Bush, who, by the way, has told me many, many times that he supports ethanol. I want this meeting to occur with the President to underscore that this is a farmer's concern, a producer's concern, and I think we could also probably bring in a lot of consumers who would be very positive in their views on ethanol and what it may do with reference to ozone or other environmental areas. I want to underscore the importance of this problem and underscore the importance of the opportunities that have been expressed by the Senator from South Dakota [Mr. PRESSLER]; the Senator from Indiana [Mr. LUGAR]; and many others who have spoken this morning.

Based on the proven benefits of the air quality, increased domestic energy security, decreased farm costs, and increased rural income, I call upon the EPA to move immediately to resolve this situation, as Congress intended.

Obviously, we have a problem at EPA. I think they are antiethanol, at

least they appear to be antiethanol. They have not been particularly cooperative. They are always looking for ways to put ethanol in a box. So if we cannot do it any other way, we will have to do it through legislation, through a technical amendment to the Clean Air Act. We believe it can be done administratively. We believe it can be accomplished by the President of the United States working with the Environmental Protection Agency. We also believe that former Secretary of Agriculture Clayton Yeutter, who is now counsel to the President in the White House, understands this issue very well and is working as hard as he can to make certain we clarify what we thought was the law in the first place. But needless to say, the Environmental Protection Agency is an unyielding bureaucracy in many cases, and this is certainly one.

EXHIBIT 1

ETHANOL AND THE REFORMULATED GASOLINE PROGRAM

Mr. President, as you know, I have taken a keen interest in the EPA's implementation of the Clean Air Act. I have sought to protect the very clear congressional intent that all oxygenates, including fuel ethanol, be allowed to compete fairly and effectively in the reformulated gasoline markets created by the Act.

I happen to believe that unless ethanol is allowed to participate in this important market, which could amount to as much as 70-percent of the total U.S. gasoline supply by the mid-90's, the program will end up costing consumers far more at the pump, increase our dependence on imported petroleum products, and have a devastating impact on rural economies.

Unfortunately, as proposed, the EPA's reformulated gasoline regulations effectively preclude the use of 10-percent ethanol blends. The problem is that EPA has narrowly interpreted the requirement to reduce mass-based ozone-forming volatile organic compounds (VOC's) as precluding the application of ethanol's volatility waiver to reformulated gasolines.

As a result, during the high ozone season (May 15 to September 30), marketers using ethanol to satisfy the oxygen content requirement of the Act will have to locate sub-RVP blendstocks in order to comply. Such a requirement imposes a prohibitive additional cost on ethanol blenders, and ignores the limitations of a fungible gasoline distribution system which severely restricts the availability or shipment of specially tailored gasoline blendstocks.

For their part, EPA has suggested that sub-RVP fuels will be economically available and that ethanol is not locked out of the market. Such statements, however, reveal a complete lack of understanding of gasoline production, ethanol blending practices, and the fuel distribution system. In short, EPA's projections of ethanol's likely marketshare in RFG markets are woefully inaccurate.

The fact is the regulations impose an economic penalty to marketers of ethanol blends, and that penalty, no matter how great or small, is not justified by environmental, energy, or marketplace considerations. Such an approach to the development of government regulation is counter-productive, contrary to congressional intent, and, frankly, no consistent with this Administration's deregulation philosophy.

EPA's enforcement mechanism for RFG focuses exclusively on the control of VOC's which are increased by the addition of ethanol, and wholly ignores the effect on ozone formation of reductions in Carbon Monoxide. Carbon Monoxide is a precursor to the atmospheric chemical reaction of Nitrogen Oxides and VOC's in the presence of sunlight that forms urban ozone. EPA has concluded that the reductions in Carbon Monoxide attributable to ethanol offsets the impact of ethanol's increased VOC emissions on ozone.

The critical issue, then, is determining a means of reconciling EPA's VOC-driven enforcement scheme, with ethanol's overall emissions benefits.

It is important to emphasize that utilizing any of the above options to assure that ethanol blends will be able to compete in reformulated gasoline markets without the need for a separate and distinct RFG blendstock production, distribution and storage system will not undermine the environmental objectives of the Act.

A comprehensive Urban Airshed Modeling study was recently completed for metropolitan New York City (including northern New Jersey and Connecticut). This study, which assumed a 100-percent market penetration of E-10 blends, concludes that ozone formation is not affected, and could, in fact, be reduced by the addition of ethanol to reformulated gasolines. The study, which verifies previous urban airshed modeling with the same results, demonstrates there is no advantage for MTBE over ethanol, the oxygenate given preference in EPA's regulatory framework.

In fact, EPA has long recognized that reductions in Carbon Monoxide exhaust emissions resulting from the higher oxygen content of ethanol blends always mitigates and can offset the increased hydrocarbon emissions attributable to the higher volatility of ethanol blends.

EPA's conclusion regarding ethanol's impact on ozone cannot be changed by the introduction of reformulated gasolines. The fact remains, that while ethanol may increase VOC's, the emissions from ethanol are less reactive than virtually any other component used in gasoline, and the reductions in Carbon Monoxide attributable to ethanol-blended gasolines assure that ozone will be reduced.

Allowing the use of ethanol in reformulated gasoline, without requiring specially-tailored blendstocks, would make the program more flexible for refiners, assure that the environmental objective of reducing ozone is preserved, and utilize an important domestic resource in future fuel formulations—pure-grain ethanol.

It is important to note that if ethanol is effectively precluded from competing in the RFG market, the result will be a mandate for MTBE, with much of it imported. Such a result will further exacerbate U.S. energy security concerns.

Published reports indicate that more than 70% of the planned MTBE production expansion is sited overseas, including the construction of the world's largest MTBE facility with a daily production capacity of 33,000 barrels to be built in the former Soviet Union. In fact, facilities to produce more than 288,000 barrels per day of MTBE are currently in either the construction or engineering phase and are anticipated to be on stream before the requirements of the Clean Air Act are fully implemented.

Moreover, industry analysts have stated that approximately one quarter of the world MTBE supply will come from Saudi Arabia by 1995. Facilities operated by SABIC (Saudi Government), and several major U.S. oil companies are expected to increase the Saudi MTBE capacity to more than 70,000 b/d. By 1995, non-U.S. MTBE capacity is expected to exceed 4.5 billion gallons annually, more than triple current U.S. capacity.

It is important to note that this rapid expansion of MTBE capacity will be financed largely by the investment of major U.S. and international oil companies. Using a conservative estimate of $1.30 per gallon of MTBE capacity, the total investment in non-U.S. MTBE production facilities will exceed $5.7 billion.

While U.S. MTBE capacity is also expected to grow, it is important to note that it will be sustained by increasing levels of imported methanol as the feedstock.

MTBE production is the largest consumer of methanol today, using more than 31% of total U.S. methanol supplies. In fact, total U.S. methanol production amounted to 1.1 billion gallons in 1988, with imports of 670 million gallons (40% of total U.S. methanol supplies). Imports of methanol in 1988 were up 71% from the 400 million gallons imported the previous year. Industry analysts indicate that the level of imported methanol for MTBE production is likely to continue to grow—to as much as 1.3 billion gallons by 1995, or more than three times the level of just four years ago.

In addition, if neat methanol fuel markets develop on a large scale as is proposed by the National Energy Security bill, the demand for imported methanol will be exponentially higher.

This approach maintains a dangerous dependence on Mideast oil, and could result in an equally dangerous dependence on Saudi methanol for our motor fuel and fuel additive needs of the future.

Finally, one cannot ignore the tremendous negative impact the exclusion of ethanol from RFG markets will have on rural economies. The National Corn Growers Association released the conclusions of an independent economic impact analysis at a Congressional hearing last week. The report demonstrates that the loss of the reformulated gasoline market for ethanol would have significant adverse impacts on the demand for corn, corn prices, government spending for support programs, net returns to corn farmers, and the American economy. The report's conclusion includes the following:

The loss of the reformulated gasoline market would reduce the price received by farmers for corn by an average of 24 cents per bushel.

The impact of lower corn prices would increase government expenditures for feed grain support programs by an average of $1.9 billion per year for the period 1992 through 2005.

The reduced value of corn output alone would cost the U.S. Economy $5.6 Billion per year in lower gross output. Total employment in the nation's economy would be reduced by as many as 134,694 jobs each year between 1992 and 2005.

There is simply no rational explanation for EPA's reluctance to resolve this issue favorably. Congressional intent is clear, ethanol is to compete effectively in reformulated gasoline. The President's instructions are clear, EPA must resolve this issue. The environmental effects are clear, allowing the use of ethanol may increase VOC's, but it will not exacerbate ozone and the reductions required by the Act will still be met. The energy security implications are clear, without ethanol we will exacerbate our growing dependence on imported oil. And the economic

effects are abundantly clear, unless this regulation is changed, there will be a dramatically negative impact across rural America with lost jobs, lost economic growth, lost tax revenues across rural America. This regulation must be changed.

RENEWABLE FUELS ASSOCIATION,
Washington, DC, May 4, 1992.

Hon. BOB DOLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: In order to keep you apprised of our ongoing effort to dissuade the Environmental Protection Agency (EPA) from promulgating final reformulated gasoline regulations that preclude the use of ethanol, I want to briefly summarize two recent reports which clearly demonstrate that the proposed regulations forfeit significant environmental benefits and will add to the economic distress of rural America.

First, a comprehensive Urban Airshed Modeling study was recently completed for metropolitan New York City (including northern New Jersey and Connecticut). This study, which assumed a 100-percent market penetration for E-10 blends, concludes that ozone formation is not affected, and could, in fact, be reduced, by the addition of ethanol to reformulated gasolines. The study, which verifies previous urban airshed modeling with the same results, demonstrates there is no advantage for MTBE over ethanol, the oxygenate given preference in EPA's regulatory framework. We intend to present the final urban airshed results at EPA's public hearing on May 18.

Second, the National Corn Growers Association released the conclusions of an independent economic impact analysis at a Congressional hearing last week. The report demonstrates that the loss of the reformulated gasoline market for ethanol would have a significant adverse impact on the demand for corn, corn prices, government spending for support programs, net returns to corn farmers, and the American economy. The report's conclusion include the following:

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The reduced value of corn output alone would cost the U.S. economy $5.6 billion per year in lower gross output. Total employment in the nation's economy would be reduced by as many as 134,694 jobs each year between 1992 and 2005.

Senator, these two reports—one environmental, one economic—provide dramatic support for the unrestricted use of ethanol in the reformulated gasoline program. Despite President Bush's directive that this issue be resolved, however, the EPA continues to resist the ethanol industry's effort to provide a more flexible approach to the certification of reformulated gasoline which would recognize ethanol's overall emissions benefits. As a result, ethanol continues to be locked out of this important future fuel market.

Thank you for your continued support and interest in assuring a viable role for ethanol in reformulated gasoline.

With warm regards, I am

Sincerely,

ERIC VAUGHN,
President.

[Presentation by the Renewable Fuels Association, Office of Mobile Sources Workshop, Environmental Protection Agency, Apr. 27, 1992, Ann Arbor, MI]

APPLYING A CARBON MASS EQUIVALENT TO THE EVAPORATIVE EMISSIONS FROM AN ETHANOL-BLENDED REFORMULATED GASOLINE

"Directionally, CO emission reductions from alternative fuels will assist in attaining the ozone NAAQS, but the strength of this effect has not yet been documented for the range of local conditions which affect ozone formation."—"Guidance on Estimating Motor Vehicle Emission Reductions From the Use of Alternative Fuels and Fuel Blends," 29 January 1988; Emission Control Technology Division, Office of Mobile Sources.

As part of EPA's fuel volatility rulemaking, the Renewable Fuels Association submitted a modeling study utilizing the Empirical Kinetic Modeling Approach (EKMA), with Carbon-Bond IV, which modeled the impact on ozone formation of splash-blended, 10-percent ethanol blends (base gasoline at 10.5 RVP), at 100-percent market penetration in seven cities (Chicago, Boston, Washington, St. Louis, Nashville, Tulsa, and Phoenix).

"Reductions in CO emissions resulting from automobiles using ethanol blends always mitigate and often reverse any increases in urban ozone that might result from the evaporative emission increases identified with the use of ethanol blends."—"Evaluation of the Impact of Ethanol/Gasoline Blends on Urban Ozone Formation," Revised Final Report, 12 February 1988; Systems Applications Inc., San Rafael, California.

"The other major area of comment related to the environmental impact of permitting gasohol to be sold at a higher RVP than gasoline. Ultimately, the issue is to what extent ozone levels are affected. Gasohol interests claim that several phenomena reduced the ozone impact of higher RVP gasohol relative to gasoline of similar higher RVP (e.g., the lesser tendency of ethanol emissions to produce ozone (reactivity) compared to hydrocarbons, and a reduction in carbon monoxide emissions and thus a reduction in CO's role in ozone production).

"As detailed in the Final RIA, recent studies have indicated that the ozone impact of gasohol at 1.0 RVP higher than gasoline is less then we earlier believed (i.e., a range of about zero to 1 percent increase in ozone levels based on the analysis referenced in the Final RIA). . . . The 1.0 psi RVP allowance for gasohol adopted in this final rule thus reflects the moderation in EPA's concern about negative air quality impact. * * *"—Volatility Regulations for Gasoline and Alcohol Blends Sold in Calendar Years 1992 and Beyond," 55 Fed. Reg. 23658, 23665-23666; June 11, 1990.

"EPA recently commissioned a study by SAI which in addition to other fuel scenarios, attempted to quantify the ozone impact of oxygenated blends, taking into consideration both VOC and CO impacts. To combine all of the exhaust, evaporative, and running loss emission effects into a net effect, EPA provided SAI with MOBILE 3.9 based emissions. . . . [T]here is virtually no change in peak ozone levels for any oxygenated blend scenario when the urban airshed model is used. * * * Therefore, it appears that allowing a 1 psi RVP allowance for ethanol blends would not contribute to as significant of a change in ozone levels as EPA previously thought."—Final Regulatory Impact Analysis and Summary and Analysis of Comments, Phase II Gasoline Volatility Regulations, May 1990; Office of Mobile Sources.

The EPA-commissioned study referenced to in the FRIA is entitled "A Low-Cost Application of the Urban Airshed Model To the New York Metropolitan Area and the City of St. Louis (Five Cities UAM Study Phase I)," 15 May 1989, Systems Applications, Inc.

MOBILE 4.1 RESULTS

[1995 Fleet mix emissions, g/mi]

Category	Base gasoline, 7.2 RVP	Ethanol blend, 8.2 RVP
Exhaust	1.04	1.04
Evaporative	.24	.34
Running	.17	.29
Resting	.11	.11
Refueling	.06	.07
CO	12.92	9.01
NO_x	.93	.95
Total VOC	1.62	1.85

CARBON MASS EQUIVALENT

The "carbon mass equivalent" removes the weight of the molecular oxygen in the reduced carbon monoxide emissions due to 10-percent ethanol, and credits the remaining carbon against the VOC's increased by the 1.0 psi RVP volatility increase.

The molecular weight of carbon=12. The molecular weight of oxygen=16. Therefore, the carbon fraction of carbon monoxide is 12/(12+16), or, 0.4286 percent.

Carbon monoxide emissions of base gasoline from MOBILE 4.1 results=12.92 g/mi. Carbon monoxide emissions of 10-percent blend from MOBILE 4.1 results=9.01 g/mi.

Carbon mass equivalent=(12.92−9.01) 0.4286 or, 1.68 g/mi VOC credit for the ethanol blend.

EPA'S METHANOL-FUELED VEHICLE RULEMAKING A TECHNICAL PRECEDENT FOR THE CARBON MASS EQUIVALENT

EPA included in this rulemaking an "organic material hydrocarbon equivalent," which eliminates the mass of inert molecular oxygen from the overall mass of methanol exhaust emissions. The regulation dictates that an "organic material hydrocarbon equivalent" is to be used to calculate the mass exhaust emissions from methanol-fueled vehicles. EPA stated the environmental rationale for utilizing a "carbon-based standard" to determine the methanol mass exhaust emissions is that, "the photochemical oxidation process leading to ozone production is carbon dependent."—Standards For Emissions From Methanol-Fueled Motor Vehicles and Motor Vehicle Engines," (54 Fed. Reg. 14426, 14432; April 11, 1989).

PROVIDING A "GENERIC HYDROCARBON UNIT DEBIT" TO THE CARBON MASS EQUIVALENT

In the methanol-fueled vehicle rulemaking, the "organic material hydrocarbon equivalent" deleted the oxygen mass from the methanol mass, still leaving a "hydrocarbon" for purposes of determining mass emissions. EPA promulgated various emission factors to be utilized in determining the respective exhaust emission fraction and evaporative emission fraction from methanol-fueled vehicles.

Emission factors, designated in terms of molecular weight, are applied to exhaust hydrocarbon emissions (a factor of 13.87), and evaporative hydrocarbon emissions (a factor of 14.23). (These fractions are codified at 54 *Fed. Reg.* 14535 and 14571, respectively.) In essence, these factors reflect the view that hydrocarbons emitted from motor vehicles are comprised of "generic" units made up of one carbon molecule and two hydrogen molecules.

The carbon mass equivalent is derived from carbon monoxide, not a true hydrocarbon. The molecular weight difference between carbon and hydrogen is a factor of 6. As the photochemical importance of carbon and hydrogen is equal in the atmosphere, it is necessary to apply a "generic hydrocarbon unit debit" to the carbon mass equivalent; i.e., reduce it by a factor of 6 (0.1667).

MOBILE 4.1 RESULTS APPLYING THE CARBON MASS EQUIVALENT

[1995 fleet mix emissions, g/mi]

Category	Base gasoline, 7.2 RVP	Ethanol blend, 8.2 RVP
Exhaust	1.04	1.04
Evaporative	.24	.34
Running	.17	.29
Resting	.11	.11
Refueling	.06	.07
CO	12.92	9.01
Total VOC	1.62	1.85

Carbon Mass Equivalent Calculation:

1. 12.92 g/mi CO−9.01 g.mi CO=3.91 g/mi CO.
2. 3.91 g/mi0.4286=1.68 g/mi VOC credit (w/o debit).
3. 1.68 g/mi credit0.1667=0.28 g/mi VOC credit.
4. 1.85 g/mi VOC (ethanol blend)−0.28 g/mi "CME"=1.57 g/mi VOC.

NATIONAL CORN GROWERS ASSOCIATION,
Washington, DC, May 6, 1992

IMPLEMENTING THE CLEAN AIR ACT AMENDMENTS OF 1990: IMPLICATIONS FOR ETHANOL DEMAND AND THE CORN SECTOR

(By John M. Urbanchuk, Vice President, AUS Consultants)

EXECUTIVE SUMMARY

The Clean Air Act Amendments of 1990 (CAA) require selected U.S. cities and metropolitan areas to take definite steps to reduce carbon monoxide and ozone contamination of the atmosphere. One of the principal control mechanisms employed by the CAA is the requirement of increased oxygenate content of motor fuels. An increased level of oxygenate causes gasoline to burn more cleanly and reduces emissions of carbon monoxide and ozone creating compounds. The CAA mandates an average oxygenate level of 2.7% during the winter months in cities and metropolitan areas not in compliance with carbon monoxide (CO) standards, and requires areas not in compliance with ozone standards to achieve a 2.0 percent oxygenate level on a year-round basis.

Several alternative oxygenates are available for use in meeting the CAA mandates including MTBE (methyl tertiary butyl ether), TAME (tertiary amyl methyl ether), and ethanol. High levels of demand for MTBE and TAME would require significant imports which would increase our energy dependence on foreign suppliers. The U.S. agriculture sector could produce all of the ethanol we might require.

However, the reformulated gasoline regulations as proposed by EPA drastically limit the opportunity for ethanol. The purpose of this study is to examine the implications for the U.S. corn sector of a loss of the reformulated gasoline market for ethanol.

1. The base case of demand is predicated on full implementation of the CAA, 30% market share for ethanol blends in CO nonattainment areas, acceptance and use of ethanol in reformulated gasoline for use in the nine major ozone nonattainment areas, and maximum opt-ins by other areas not in compliance with ozone standards. Under this scenario, ethanol demand would increase to 3.5 billion gallons by 2005.

2. The alternative case is based on the loss of ethanol for use in reformulated gasoline in ozone nonattainment areas. Under this scenario, the CO program would be smaller and ethanol would receive a smaller share of the oxygenate market since most refiners and distributors would look to alternative oxygenates for full year use. Since no ethanol would be used in reformulated gasoline under this scenario, demand in CO markets would drop substantially in 1996 as the overlap ozone opt-in areas shift from ethanol to other oxygenates for most of their requirements. As a result, total ethanol demand would decline from current use of 975 million gallons to 845 million gallons in 2005.

The loss of the reformulated gasoline market for ethanol would have a significant impact on the demand for corn, corn prices, government spending for agricultural support programs, and net returns for American corn farmers.

The loss of the reformulated gasoline market would reduce the price received by farmers for corn by an average of $.23 per bushel (9.1 percent) over the 1992–2005 period scenario.

The impact of lower corn prices would increase government expenditures for feed grain support programs by $1.6 billion per year, or over $21.4 billion over the 1992–2005 period if the reformulated gasoline market were lost for ethanol.

Farmer profitability would be hurt. Despite higher direct government payments to compensate for lower prices, lower ethanol demand caused by a loss of the reformulated gasoline market would reduce net returns to corn farmers by an average of $6.85 per planted acre between 1992 and 2005.

The U.S. economy would suffer. Loss of the reformulated gasoline market for ethanol and reduced demand for corn to produce ethanol would cost the nation's economy $9.7 billion per year in lower gross output between 1992 and 2005. Personal income would fall by almost $3 billion per year, and over 130,000 jobs would be lost each year during this period throughout the entire economy.

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

Mr. GRASSLEY. Mr. President, I yield myself 5 minutes from the time allocated Senator DOLE.

The ACTING PRESIDENT pro tempore. The Senator from Iowa may proceed for 5 minutes.

ETHANOL AND THE REFORMULATED GASOLINE PROGRAM

Mr. GRASSLEY. Mr. President, I am thankful that several colleagues, both Republicans and Democrats, are going to join in a period of discussion on some of the very bad activities of the Environmental Protection Agency. This activity can be described quite simply as antiethanol and aborting a very clear intention of Congress during the debate of the clean air bill when we passed an amendment over the opposition of the big oil companies. This amendment very clearly laid out the intent of Congress that ethanol be a part of the reformulated fuels section of the Clean Air Act.

I do not like EPA turning a deaf ear to this congressional intent. Not only are the bureaucrats at EPA ignoring the will of Congress, they are also ignoring the wishes of many of our administration's highest officials, including President Bush himself. As everybody knows during the 1988 campaign for the Presidency, President Bush made ethanol a very important part of the national security strategy and energy strategy of this country. Now his own agency, EPA is thwarting that will of the electorate regarding the energy policy as expressed in the 1988 election for President Bush. It was very clear that both Congress and President Bush intended that ethanol could be certified as a reformulated gasoline. EPA, however, has taken us down a regulatory path that not only guarantees that ethnol will be absolutely cut out of this important clean air market but also it essentially mandates the use of MTBE.

The aim of this section is to reduce ozone by eliminating the emission of ozone-forming compounds.

Historically, Congress and EPA have recognized the additional benefits of ethanol, and have allowed a 1 pound per square inch variance for what is called Reid vapor pressure [RVP] which measures the likelihood of evaporation and emission of chemicals into the air.

For instance, carbon monoxide is recognized as a substance that contributes to the formation of ozone.

Furthermore, EPA has acknowledged that ethanol-blended fuels can reduce exhaust emissions of carbon monoxide by 25 to 35 percent. Yet, now all of a sudden EPA does not want to allow the variance for ethanol.

We have EPA officials talking out of both sides of their collective mouths. One official 1 week claims that these regulations would not preclude ethanol from the reformulated fuels program. The very next week another official admitted that if these rules are adopted, they will effectively cut ethanol out of the market.

If the latter is true, we will have destroyed the market for up to 600 million gallons of ethanol. Five thousand jobs are created for every 100 million gallons of ethanol produced. So we will be denying Americans nearly 30,000 jobs.

And what will we use for reformulated fuel? MTBE. Where will these world class MTBE plants be built? The answer is very simple. They are going to be built overseas. A vice president of a major oil company admitted as much when he stated that 85 percent of world class MTBE plants would be built in the very same countries that hold America's energy needs hostage.

Mr. President, today I join my colleagues in declaring that this country is not going to be controlled by unelected bureaucrats. The will of Congress and the President is not going to be undermined. EPA must follow the intent of Congress and the intent of President Bush.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota [Mr. DASCHLE], is recognized.

Mr. DASCHLE. Mr. President, I ask unanimous consent that I be given 5 minutes under the standing order reserved for the Republican leader, Senator DOLE.

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

Mr. DASCHLE. Mr. President, I commend the distinguished Senator from Iowa for his comments just now. I think he articulated the issue very well.

I join with him and many of my colleagues on both sides of the aisle in commenting on the current dispute between the ethanol industry and the Bush administration regarding the implementation of the Clean Air Act.

The whole controversy is deeply troubling for a variety of reasons, not only for its effect on the short-term growth of the domestic ethanol industry but also for the message it sends about our national priorities for the next decade.

There are two issues at play in the current dispute. First, whether the Administration will allow States with carbon monoxide nonattainment areas to limit the amount of oxygen in gasoline; and second, whether EPA will look at reduced tailpipe emissions in ethanol blends as an offset to their increased evaporative emissions in the reformulated gasoline program.

The first issue is very straightforward. There is no technical reason to cap oxygenates in CO nonattainment areas. In fact, according to EPA's own data, the more oxygen in the gasoline, the greater the CO reductions. Attempts to cap oxygen content are a blatant attempt by ethanol opponents to reduce the use of ethanol, which is the undisputed champ of CO reduction. Moreover, a cap is directly contrary to the intent of Congress, which specifically recognized the benefits of using 10 percent ethanol blends.

The second issue gets easily obscured in scientific rhetoric regarding mass emissions versus reactive emissions, carbon offsets, volatility and base fuel specifications. In reality, it is not this complicated. In face, it has little to do with clean air.

There is ample scientific data showing that offsets in reactive emissions do occur so that ethanol can be, and is, an effective ozone fighter. If NO_x is the issue, as EPA appeared to claim at last week's House hearing, then the simple model should adjust other gasoline components, such as sulphur or olefins, to prevent any miniscule NO_x increases. It should not be used as a rigid vehicle for blocking ethanol from the clean fuels market.

The Bush administration and EPA are hiding behind a veil of interpretive data to make it more difficult for ethanol to be a full participant in the reformulated gasoline program. As the sponsor of the reformulated gasoline amendment, along with the Republican leader and many other Members on the floor today, I can attest that it was the intent of Congress to let ethanol play a role in reformulated gasoline. As long as ozone pollution was reduced, our amendment sought to let a wide array of oxygenates compete for the market. The bill was designed to be fuel neutral.

I am confident that the final EPA rules will be written in such a way that ethanol will be able to compete. It would be too outrageous for anything else to happen.

The administration's entire approach to ethanol since enactment of the Clean Air Act amendments 2 years ago is very troubling. That history, which includes delays and the entire reg-neg process, raises questions about the administration's commitment to working with Congress to implement the intent of the bill. It also raises the larger question of our Nation's energy and economic goals.

To be honest, this whole dispute baffles me. I cannot fathom why rules were not drafted to ensure competition between oxygenates, as Congress had intended. I cannot fathom how the administration can even consider letting oxygen be capped. Finally, I cannot fathom how we are even having this debate considering the implications for our energy security and domestic economic development.

Because of the current debate, there is a chill on new ethanol investment in the United States. The largest American producer of ethanol has postponed its expansion plans, and many other investors are nervous.

No such chill exists in Saudi Arabia, nor in Iran, nor in Algeria, nor in any other Middle Eastern country. According to January 1992 statistics, 19 MTBE and methanol plants are in the final engineering stages or under study. This activity represents billions of dollars of investment and thousands of jobs, almost all geared to servicing the United States' clean air markets. All come at the expense of domestic ethanol producers, domestic methanol and MTBE producers, the domestic natural gas industry and, ultimately, our Nation's energy independence.

Is this what we really want? Do we want a flood of imported methanol and MTBE to displace imported crude and preclude domestic investment and jobs?

Without a strong signal from the administration on the clean air rules, and without something being done to block the anticipated flood of MTBE and methanol imports, OPEC will benefit as much from the Clean Air Act as farmers in my State or anybody's else's State. We hear talk from Secretary Watkins and President Bush that America's energy future will be imperiled if we do not open up the Arctic National Wildlife Refuge, and then we see this happening.

Mr. President, it is both frustrating and disheartening to see this scenario unfold. One way or another, we will see that this important issue is rectified.

I thank the President, and I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Republican leader has 1 hour under his control. At this time the Chair recognizes Mr. DURENBERGER, the Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that I may proceed for 5 minutes under the designation of the Republican leader.

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

Mr. DURENBERGER. Mr. President, others have spoken to the genesis of the problem that brings us all to the floor today. I am going to try to just add some additional explanation to the seriousness of the EPA rule.

Mr. President, last month the Environmental Protection Agency issued its proposed rules for reformulated gasoline under the Clean Air Act. I believe that mandating the modifications to gasoline in the nine cities suffering the worst summertime smog problems is one of the most important air quality provisions in the 1990 amendments to the Clean Air Act.

Unfortunately, the way EPA has chosen to design its rule it will virtually exclude ethanol, an alcohol made principally from grain grown by American farmers, from any role in the reformulated gasoline marketplace. Because many cities will voluntarily participate in the reformulated gasoline program, as much as 60 percent of the gasoline sold after 1995 in the United States may be refined and sold according to EPA's reformulated gasoline standards. To unnecessarily exclude an American fuel from such a large portion of the market would be a serious blow to American farmers and to our economy.

I believe that ethanol can play a role in reformulated gasoline without any negative air quality consequences. In fact, it is the air quality benefits of ethanol which bring it to the marketplace in the first place.

When I came to the Senate in the late 1970's there was a great deal of interest in gasohol, a fuel that is 10 percent ethanol and 90 percent gasoline, because of the energy problems facing the Nation. But ethanol didn't really catch on as a substitute for imported oil. It was the phaseout of lead in gasoline in the early 1980's that gave ethanol a boost into the marketplace.

Lead was added to gasoline to increase its octane and improve engine performance. But lead pollution in the

environment is a serious threat to young children and the unborn and has been virtually banned from gasoline as a result. Ethanol has helped fill the octane gap created by the lead phaseout. Ten percent ethanol in a gallon of gasohol restores the engine performance without adding any new toxic pollutants to the environment.

Ethanol has another clean-burning advantage. One of the most serious pollution problems in our northern cities in the winter time is carbon monoxide. When you start a car on a cold winter morning the fuel does not burn well and carbon monoxide is produced in enormous quantities, enough to be a threat to those with heart problems and to pregnant women. Ethanol reduces carbon monoxide pollution because it contains more oxygen molecules than other components of gasoline and can improve the combustion process even in cold engines. Many of the 40 cities that do not meet Federal carbon monoxide pollution standards are looking to ethanol as a partial solution to the problem.

When the Congress worked on the Clean Air Act in 1989 and 1990, we learned that we could also make big progress on smog, which is a summertime pollutant of serious concern in dozens of our cities, by changing our fuel. We learned that gasoline can be reformulated at relatively low cost, so that it emits much less of the pollutants that form smog.

The Clean Air Act requires EPA to issue regulations for gasoline that will reduce smog-forming emissions by 15 percent in 1995. That provision was strenuously opposed by the oil industry. They called it Government gas and said it would cost 25 cents a gallon more than regular costs. Now, less than 2 years later many oil companies are running TV ads saying their fuel already meets the 1995 EPA standards for reformulated gasoline and are encouraging consumers to drive into their stations, if they want to help protect the environment.

When we passed the reformulated gasoline requirement here on the floor of the Senate, I had every expectation that it would be a good program not just for the environment but for the farmers of my State as well. They grow the corn that makes a good portion of the Nation's ethanol, and they have invested in ethanol production facilities. I expected ethanol to be a big part of reformulated gasoline.

I think everyone here in the Senate recognizes that the reformulated gasoline amendment only passed because of the support of the American farm community.

So, it was a real surprise to learn that EPA's rule is designed to preclude the use of ethanol in reformulated gasoline. I have reviewed the proposed rule. It departs from the specific requirements of the Clean Air Act in many other ways, as well. The failure of EPA to carry out the intent of the Congress in this rulemaking is very troubling to me and should be to all the Members of the Senate.

EPA developed this rule through a process that is called negotiated rulemaking. Essentially, EPA invited all the interest groups that it felt might have an interest in the legislation to come to a series of meetings and draft the rule through a committee process. The oil industry was invited, so was the farm community, and the ethanol producers, and the environmentalists, and the States. Representatives of these groups met for several months and reached a consensus on a rule that all the special interests could support.

Unfortunately, the rule is not entirely consistent with the statute that the Congress enacted. It is contrary to the law in several respects. EPA is hoping that nobody will go to court and challenge the legality of the rule. In fact, that is a major reason for negotiated rulemakings, to prevent interest group litigation. Another reason is to exclude the Congress and the President from the regulatory process.

It is no secret that the White House is not happy with many of the rules that EPA has been writing under the Clean Air Act. EPA believes that it can keep the White House at bay by entering into these negotiated deals, allowing it to take refuge for the policy behind a consensus position of the interest groups. And the interest groups participate in these negotiations because they hope to get something they could not get when the legislation is before the Congress.

I am all for consensus in the policymaking process. And I believe that the regulatory agencies should work closely with the interest groups to assure that rules are sound and based on the best information available. But I am very much opposed to any procedure that is intended to circumvent the lawful requirements of a statute the Congress enacts and the President signs. However, accommodating the interest groups may be in a negotiation, they do not have the authority to change the law. That was done in this rulemaking on reformulated gasoline.

EPA needs to start over again on this rule and rebuild it on a sound legal foundation. And when it does, I urge that it give ethanol a fair chance to participate in the reformulated gasoline marketplace. Ethanol can be used in reformulated gasoline that meets the requirement for a 15-percent reduction in VOC's.

When it is used in that way the American public will be able to enjoy the other air quality and environmental benefits of ethanol and the American farmer will be able to contribute to the energy security of this Nation.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. BOND addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Missouri [Mr. BOND] is recognized.

Mr. BOND. Thank you very much, Mr. President.

IMPORTANCE OF ETHANOL TO RURAL AREAS

Mr. BOND. Mr. President, I would echo and concur with the statements already made by my colleague from Minnesota and my colleague from South Dakota about the environmental benefits of ethanol. I want to focus on one aspect of the ethanol debate and that is its importance to rural areas throughout America.

The Clean Air Act Amendments of 1990 were viewed by corn farmers as a significant step toward creating an opportunity for corn-based ethanol to compete in the new oxygenate market for motor fuel.

Clearly, when Congress authorized the production and use of oxygenated fuels and reformulated gasoline in areas experiencing serious air pollution problems, the intent was to allow ethanol to compete fairly in this new market.

The law establishes a minimum oxygen level for gasoline in the 39 carbon monoxide nonattainment areas. This is because oxygenated fuels have been shown to reduce CO in these polluted areas.

Now, because of EPA delay, California and New York will try and place a lower cap on the amount of oxygen allowed in reformulated fuel sold in their State. These lower caps would preclude the blending of 10-percent ethanol, which provides a 3.5-percent oxygen level and reduces vehicle emissions of carbon monoxide by 25 to 30 percent.

Now, however, due to a perceived increase in nitrous oxide emissions [NO_x] resulting from use of ethanol, things are not so clear with ethanol. Because of the uncertainties surrounding the EPA's interpretation of the ozone provisions of the Clean Air Act, the ethanol industry has delayed construction of more than 350 million gallons of ethanol production which was slated to have started this year.

Currently, 1 billion gallons of ethanol are consumed per year. In 1990 approximately 400 million bushels of corn went into ethanol production.

In my home State of Missouri, although we do not currently have an operating ethanol plant, we are involved in serious negotiations with various companies regarding the building of ethanol plants. Projections indicate that Missourians could use 40 million gallons of ethanol in 1992.

If ethanol is not allowed to compete, these new rural economic development projects will not materialize. The jobs and economic benefits for our rural communities will disappear. Certainly

we want to do everything to encourage rural economic development to take place, not discourage.

I call on the administration to look at all of the information concerning ethanol, to implement expeditiously the oxygenated fuel program in all carbon monoxide nonattainment areas, and to prohibit the imposition of cap by States on fuel oxygen content.

Mr. President, in summary, there are solutions to many of the cities' problems in the United States. Some of those solutions can be solved by the efforts of people in rural areas. The production of ethanol from corn grown in our rural areas changed into ethanol can be Godsends for areas experiencing economic difficulty. They, in turn, can significantly increase the quality of air and improve the lives of those in our cities.

I suggest, therefore, that the combination of the benefit to the communities where they are in nonattainment positions and the benefit to rural communities with a need for jobs is a compelling reason to move forward and to encourage rather than to discourage the use of ethanol.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont [Mr. JEFFORDS] is recognized.

Mr. JEFFORDS. Mr. President, I have been allocated 5 minutes, is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct. The Senator from Vermont is recognized.

ETHANOL

Mr. JEFFORDS. Mr. President, not more than a few minutes ago I briefly spoke on the global warming issues which is one of the main environmental problems we have to address. At that time I advised people this is a connected subject, that is ethanol. Ethanol is one of those fuels that does not contribute to global warming but actually keeps us in the same situation we are in.

Our growing dependence on foreign oil is also another major problem crying out for action. There are jobs we need to create—more job opportunities. We hear over and over in this body how important it is to create new job opportunities. Ethanol and other homegrown fuels can provide an answer to all of these problems.

Ethanol and other biomass-based fuels provide an opportunity to develop a sustainable carbon cycle. There is no reason for our country to be taking tons and tons of carbon from below ground when we can continue to recycle tons of carbon that is already above ground. Our fossil fuel dependency is causing us to remove trillions and trillions of tons of carbon deposited over the millenium and put it back into the air over a period of mere decades. Unless we stop mining yesterday's carbon in huge quantities, we will never be able to get control of the climate change problem. That is the first reason why any environmentalist should strongly support moving away from fossil fuels and toward renewable fuels like ethanol.

Second, we are selling our country gallon by gallon to foreign interests. It is almost like we are being colonized. Over 200 years ago we waged a revolution against colonization, yet today we are headed right back where we started. Foreign interests are using our labors to increase their wealth. And we are letting them do it, pretending that we are protecting a nonexistent free market. This has to stop. Unlike other fuel alternatives, ethanol will be made here in America. Other components of cleaner fuels will not. For example, industry experts predict that 85 percent of the MTBE used in reformulated gasoline will come from other countries. Not only does the resulting transfer of wealth rob this country of the capital it needs for growth, it increases pollution. No other country has the environmental laws that we do. Thus, if we are truly interested in protecting the environment, the more fuels we make here the better. We will regulate air, water, and land discharges better than any other country in the world. But, we cannot do that if the fuels are being made in another country. For this reason, environmentalists should support biofuels, and should support their use in America.

We are not doing this, however, because of some misconception about free market economics, while this free market deception is leaving our country bankrupt. I would briefly like to tell a story I read that I think tells a great deal about the problems we are facing, both in terms of energy and the environment, as well as about the recent unrest. In the book "For the Common Good," the authors discuss an experiment which I believe is very important. Allow me to quote from this book:

> In these experiments, large groups of people are given tokens they can invest either in an individual exchange that returns 1 cent per token to the individual investing, or in a group exchange that returns 2.2 cents per token but divides these earnings among everyone in the group regardless of who invests. In other words, in the group exchange, the subject receives a share of the return on his own investment [if any] and the same share of the return of the investment in the group exchange made by the other group members. Most economists would predict that a self-interested individual would put nothing in the group exchange, because the group exchange would not maximize individual benefits. Most of the greater total benefits from investing in the group exchange would go to other members of the group. Moreover, those who do not invest in the group exchange nonetheless share in the proceeds from investments made in that exchange by others, i.e., they get a free ride. But, in fact, in a number of experiments people have voluntarily contributed substantial resources—usually between 40 and 60%—to the group exchange, that is, the public good. Many in the experiments have also said that a "fair" person would contribute even more than they did. The power of this experiment is particularly revealed when this same experiment is tried on a group of entering graduate students in economics. They, meaning the economists, contributed only 20 percent to the group exchange, found the concept of fairness alien, and were only half as likely to indicate that they were concerned with fairness in making their decision.

Economics can be used to maximize the public good or private wealth. Right now, a great many people in this country do not believe the current economic system is at all fair. Perhaps that is because we are enriching foreign individuals instead of investing in the group exchange called America. By investing in America everyone in this country gets a share of the investment. Americans get 2.2 cents per token, so to speak. Ethanol is one way to invest in the public good; continued reliance on other alternatives is tantamount to investing in the private exchange where only a few share in the rewards. That is the second reason efforts to thwart biomass fuels made here in this country is bad for this country.

Last, the issue of jobs. Jobs are very intimately tied into the above example. We cannot create jobs if the money to do so is going overseas. But aside from the economics, allow me to address a demographic side of this issue. The easiest way to keep the air in cities clean is to keep people out of the cities. And, the easiest way to keep people out of the cities is to create job opportunities in the rural areas. Ethanol is an agriculturally derived fuel. Fostering ethanol fosters jobs in rural America. Rural America is loosing thousands and thousands of residents as they head to the cities for jobs. By providing job opportunities closer to home, fewer rural residents will have to move to cities. It is as simple as that. Increasing the use of ethanol helps the agricultural sector, which helps the thousands of towns across this country. Furthermore, fostering the use of ethanol will also lower the Federal deficit as crop support payments will be down.

These are but a few of the reasons I believe ethanol and other biomass fuels are good not only for the environment, but also for America. Thus, I urge EPA to take a second look at its decisions with respect to the Clean Air Act. Are you really looking at the big picture, or focusing on one aspect of our environment? Would you rather we make clean fuels here, or import dirty fuels from the oil fields of the Middle East? Do not let the oil industry cloud your judgment with yet another oil smoke screen. We can clean up the air and make America stronger in the process. This sounds like a good deal to me, and I hope it does to you.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana [Mr. LUGAR] is recognized.

OUR NATION'S FARM ECONOMY AND OUR ENVIRONMENT

Mr. LUGAR. Mr. President, I speak today on an issue which is important to our Nation's farm economy as well as to our environment.

In 1990, the Congress passed amendments to the Clean Air Act to clean up our Nation's airsheds. And these amendments were also designed to achieve their objectives through the use of renewable fuels. Projections were that the demand for ethanol could double by 1995.

Ethanol helps to clean up our air in two significant ways. First of all, 10 percent ethanol blends can play a major role in reducing harmful carbon monoxide emissions. It is important that States which must reduce their carbon monoxide emissions under the Clean Air Act should be able to opt-in to the use of ethanol in order to do so. I understand that EPA is in the process of giving proper instructions to the States so that this oxy-fuel program can be realized.

Second, ethanol as an oxygen enhancer reduces toxic emissions in reformulated gasoline. The use of ethanol blends in reformulated gasoline is now under examination. There is concern that evaporative emissions from ethanol splash blends might increase ozone. EPA has recognized that ethanol splash blends increase nitrogen oxide emissions only a slight amount relative to the MTBE-blended gasoline alternative. And since ethanol is far less reactive than other compounds, there may be a compensating effect—ethanol has lower reactivity than the substances it would replace and is therefore less likely to produce ozone. This compensating effect is under review in the New York City metropolitan area. Data has been collected and should be analyzed promptly.

I would ask that EPA make a timely decision on these technical issues so that ethanol can play a major role in cleaning up our Nation's air.

Why is this issue important? The issue is important because ethanol is a renewable resource important to our farm economy. Economist John Urbanchuk of AUS Consultants is analyzing the effect of the Clean Air Act Amendments of 1990 on ethanol demand and on corn prices during the 1990's. He found that a steady increase in demand for ethanol from the current level of almost 1 to 2 billion gallons by 1995 and up to 3 billion gallons by 2005 could be realized if the Clean Air Act is implemented as we intended. But if the Clean Air Act Amendments of 1990 are not fully implemented, ethanol use could actually fall to less than current levels.

The impacts on corn markets of the oxy-fuel and reformulated gasoline programs are highly significant. In 1991, 390 million bushels of corn were converted to fuel ethanol in this country. If the Clean Air Act provisions are fully implemented, the use of corn for ethanol production could double by 1995. If they are not, there could actually be a decline in the demand for corn between now and 1995. Loss of the reformulated gasoline market would lower corn prices by an estimated average of 24 cents a bushel and would significantly increase Federal Government feed grain support expenditures.

Mr. President, we are at a crossroads where the farmer, as well as the environment, will either prosper or suffer significantly. We must take the right course of action to assist both the farmers and the cleanliness of our environment. Prompt resolution of the technical issues and attention to congressional intent is imperative.

I thank the Chair.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from South Dakota.

ETHANOL'S FUTURE IS AT A CRITICAL STAGE

Mr. PRESSLER. Mr. President, this country's ethanol industry is at the most critical juncture of its young life. Decisions regarding the reformulated gasoline market will be reached soon by the Environmental Protection Agency [EPA]. Those decisions not only will determine the future growth of ethanol production in this country, but also will determine whether Clean Air Act standards will be met and our country's dependence on foreign energy sources lessened.

At issue are the EPA proposed regulations for the reformulated gasoline program [RFG]. The 1990 amendments to the Clean Air Act will result in more than one-half—60 billion gallons—of this Nation's fuel being reformulated to reduce emissions by the turn of the century. Unless amended to account for ethanol's overall emissions benefits, EPA's proposed RFG regulations could effectively preclude the use of ethanol blends.

Mr. President, the stakes are high. Precluding ethanol's participation in the reformulated gasoline market would reduce the price received by farmers for their corn by an average of 24 cents per bushel. South Dakota produces over 240,000,000 bushels of corn per year. A loss of 24 cents per bushel would cost South Dakota corn growers $57.6 million annually. Such a drop in the price of corn would cost the average South Dakota corn grower $10,000 each year.

Mr. President, these numbers are even more devastating when considered in a national context. Studies show that the reduced value of corn output alone would cost the U.S. economy $5.6 billion per year. Total employment in the Nation's economy would be reduced by as many as 134,694 jobs each year until 2005—a total of 1,751,022 jobs.

Studies also have concluded that lower corn prices would increase Government expenditures for feed grain support programs by an average of $1.9 billion per year between now and 2005—$24.7 billion. Thus, the loss of the reformulated gasoline market for ethanol would hinder economic growth, increase costs to the Government, adversely affect corn prices, and cause economic hardships for corn producers nationwide.

Mr. President, ethanol production for fuel has increased every year since 1976. In 1976 fuel ethanol production utilized 25 million bushels of corn. Today ethanol production for fuel utilizes nearly 400 million bushels of corn.

The adverse impact of the proposed regulations on the reformulated gasoline market would hit hardest in South Dakota. Earlier this year, ethanol blended gasoline achieved a 42-percent market share in South Dakota. That figure was up from 34 percent in 1991 and just 13 percent in 1990.

Just this week, ethanol blended gasoline achieved a 44-percent market share in South Dakota. These numbers clearly demonstrate a promising future for ethanol. If this trend continues, South Dakota soon will become the first State in the Nation to achieve a 50-percent market share for ethanol blended fuel—fuel which burns cleaner than straight gasoline.

The uncertainty regarding ethanol's role in the RFG program has placed more than 600 million gallons worth of planned ethanol production expansion in jeopardy. The proposed regulations effectively have frozen ethanol's future growth and potential.

The chilling effect on ethanol's future has resulted from EPA's very narrow interpretation of the Clean Air Act. The proposed regulations do not take into account the fact that ethanol use lowers carbon monoxide output. The proposed regulations erroneously have labeled ethanol a dirty fuel. This simply is not the case.

Mr. President, ethanol is one of the cleanest burning fuels available. On February 3, 1992, an EPA notice in the Federal Register stated that a volatility tolerance for ethanol blends should not adversely affect air quality overall. Also, EPA recognizes that reductions in carbon monoxide exhaust emissions resulting from the higher oxygen content of ethanol blends offset increased hydrocarbon emissions. The proposed regulations should use complex emission models and not simple emission models in measuring emissions.

The EPA repeatedly has concluded that when ethanol's total emissions benefits are accounted for, ethanol can help reduce carbon monoxide, toxins, and greenhouse gases that contribute to global warming. There is no more environmentally friendly fuel.

Mr. President, there is a solution to the dilemma in which the EPA has placed the ethanol industry. The EPA

needs to reconcile its VOC-driven enforcement scheme with ethanol's overall emissions benefits. The VOC-driven evaluation system ignores the benefits of reducing carbon monoxide emissions. Available data demonstrates that reductions in carbon monoxide attributable to ethanol offset the effect on VOC's, which form ozone as a result of increased vapor pressure and increased volatility.

It is imperative that ethanol be allowed to effectively compete in the reformulated gasoline market. The ability to effectively compete in this market will determine the near-term growth and future development of the ethanol industry.

Increasing ethanol use will provide additional markets for South Dakota corn growers, benefit the State's agricultural economy and decrease the U.S. dependency on foreign oil. If other States follow South Dakota's lead, ethanol production and consumption will benefit the economies of communities nationwide.

There is a future for the ethanol industry. The ethanol industry should be permitted to have a role under the mandates of the Clean Air Act. Proper studies at the EPA can define that role and prevent the ethanol industry from being halted in its tracks.

I urge the EPA to consider my remarks and those made by my colleagues today concerning the reformulated gasoline market. Mr. President, the ethanol industry can play a significant role in our country's economic growth and in improving the quality of our environment. I will continue fighting as hard as I can to ensure that our ethanol industry continues to grow.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE USE OF ETHANOL

Mr. SIMON. Mr. President, I am pleased to join Senator DOLE and others who are questioning regulations that come down on the use of ethanol, regulations that, frankly, appear to an outsider to be dictated by the big oil industry rather than clean air considerations.

The EPA recently published their guidelines for the implementation of the Clean Air Act's oxygenated fuels program and reformulated gasoline program. These guidelines as they are set up remove incentives, believe it or not, for cities in CO nonattainment areas to blend ethanol in their gasoline and to move in a direction that we ought to be moving.

I contrast the regulations that have come down with what Richard D. Wilson, Director of the Office of Mobile Sources of Air and Radiation at the U.S. Environmental Protection Agency testified to last June. Let me read his testimony:

> The car and truck population in this country is growing at a faster rate than the human population. The number of vehicle miles traveled has doubled from 1 trillion in 1970 to 2 trillion in 1990. As a result, motor vehicles account for about one-half of the hydrocarbon and nitrogen-oxide pollutants that form smog in our cities, up to 90 percent of the carbon monoxide, and over half of the toxic air pollutants. * * * Ethanol, methanol and their derivatives ETBE and MTBE are strong candidates to supply the extra oxygen needed in the Clean Air Acts reformulated and oxygenated fuels programs. * * * EPA believes that agriculturally derived renewable motor fuels will play a strong role in this innovation.

That is what the technical person, the technical expert, at EPA has to say.

But now they come down with the regulations, and lo and behold, they help the big oil companies rather than clean air. Let me add they hurt farmers.

Illinois is second only to Iowa in terms of corn production. The use of 340 million bushels of corn in ethanol has, among other things, raised the price of corn 15 to 20 cents a bushel and has reduced millions, tens of millions of dollars in farm subsidies, and has made us less dependent on the Middle East.

I speak from a State that produces ethanol. There are some who will say you have a conflict of interest. I come from a State with a lot of farmers. Archer Daniels Midland and Pekin Energy, two of the largest producers of ethanol in the Nation are in my State.

But listen to the technical experts. That is what we ought to be doing. We should not let big oil dictate what is happening. Let me just add—it has nothing to do directly with this and yet indirectly it does—I attended a subcommittee yesterday, the Antitrust Subcommittee, chaired yesterday by Senator DECONCINI where we had the small, independent gas stations testifying that Exxon, Amoco, the big companies, were selling at their company-owned stations gas at a lower price than they would sell to the independents.

We have, for example, in the last 2 years lost one-sixth of our service stations in the State of Illinois. The big oil companies are reaching out with their muscle to squeeze the independents. Here the big oil companies are reaching out to squeeze an opportunity for clean air, and squeeze America's farmers. I do not think we should let them get by with this.

My hope is that the EPA will reconsider its regulations, listen to the technical experts and not the big oil companies, and respond to the needs in this country. If they do not, then I think we have to pass legislation. My hope is we do not have to follow the legislative route.

Mr. President, EPA very recently published guidelines for the implementation of the Clean Air Act's oxygenated fuel program and reformulated gasoline program. These guidelines remove incentives for cities in CO nonattainment areas to blend ethanol in their gasolines. This could have a devastating effect on the whole ethanol industry and on many rural economies.

These guidelines come at a time when ethanol is one of the leading fuels of choice by environmental-conscious consumers. Consumers are requesting viable options to regular gasoline. They ask out of concern for the environment, out of fear of our dependence on foreign oil and from an awareness that the expansion of the ethanol industry strengthens rural economies.

Last June, representatives from the Department of Energy, Department of Agriculture, and the Environmental Protection Agency testified before the Subcommittee on Agricultural Research and General Legislation on the prospects of using agriculturally derived renewable fuels to meet standards mandated by the Clean Air Amendments of 1990.

Richard D. Wilson, Director of the office of Mobile Sources of Air and Radiation at the U.S. Environmental Protection Agency, testified at the June hearing. In his testimony, he stated that:

> The car and truck population in this country is growing at a faster rate than the human population. The number of vehicle miles traveled has doubled from 1 trillion in 1970 to 2 trillion in 1990. As a result, motor vehicles account for about one-half of the hydrocarbon and nitrogen-oxide pollutants that form smog in our cities, up to 90 percent of the carbon monoxide, and over half of the toxic air pollutants. * * * Ethanol, methanol and their derivatives ETBE and MTBE are strong candidates to supply the extra oxygen needed in the Clean Air Acts reformulated and oxygenated fuels programs. * * * EPA believes that agriculturally derived renewable motor fuels will play a strong role in this innovation.

Dr. Charles E. Hess, Assistant Secretary for Science and Education at the U.S. Department of Agriculture, at that same hearing stated:

> The Department of Agriculture is very much interested in the prospects for the ethanol industry. One of Secretary Madigan's goals is to provide additional sources of income for farmers by increasing demand for crops that have a commercial market. About 95 percent of the ethanol produced in the U.S. is made from corn—some 330 to 340 million bushels—which represents about four percent of the annual corn harvest.

It has been estimated that some 340 million bushels of corn per year are used for the nearly 1 billion gallons of domestically produced ethanol. This raises the price of corn 15 to 20 cents per bushel and save the Federal Government millions of dollars in farm subsidies.

Michael Davis, Assistant Secretary for Conservation and Renewable Energy at the U.S. Department of Energy stated, "Two-thirds of the world's proven oil reserves lie in the Middle East. * * * To reduce United States vulnerability to future market disruptions, the national energy strategy proposes a comprehensive set of initiatives aimed at increasing oil production capacity outside the Persian Gulf and at developing fuels and technologies that will reduce our dependence on oil." Mr. Davis went on to talk about the benefits of marketing alternative fuels, such as ethanol, methanol, compressed natural gas, electricity, et cetera, in an effort to reduce our dependence on foreign petroleum.

All three of these witnesses addressed important reasons why this country needs to promote the use of alternative fuels, and back in June, all three indicated that ethanol was an excellent choice as an alternative fuel. More than 40 cities across this country are having to comply with clear air standards laid out in the Clean Air Act Amendments of 1990. The want to choose a fuel that offers environmental and economic benefits to their State. Illinois and other Midwestern States have chosen ethanol.

Illinois could benefit greatly from a healthy ethanol industry. We are second only to Iowa in the production of corn and manufacture over 80 percent of the ethanol available on the market today. We are investing in an infrastructure for the distribution of ethanol. Many Midwestern States make ethanol and gasohol available at local gasoline stations. In fact, about one third of the gasoline sold in Illinois is blended with ethanol. Major cities, such as Chicago, are preparing to buy cars designed to run on ethanol for their fleets in order to comply with Clean Air Act standards. And, Archer Daniels Midland and Pekin Energy, the two largest ethanol producers in the country, have expansion plans for ethanol plants in the pipeline.

Congress intended for ethanol to be a component of reformulated gasolines, competing effectively with MTBE in this new market. And, those intentions were laid out in the Clean Air Act of 1990. EPA should consider ethanol's overall strengths as a clean fuel, rather than focusing exclusively on its drawbacks. While ethanol emits more volatile organic compounds that other fuels, it emits less carbon monoxide. Clearly, ethanol's benefits as a clean fuel offset its weaknesses. Ignoring this basic fact leads many of us to the conclusion that there are other motivations behind the promulgation of EPA's most recent guidelines, namely to promote the use of MTBE.

I join my friends and my colleagues in opposition to the EPA guidelines and ask that the administration submit regulations that reflect the original intent of the Clean Air Act amendments: to create a fair playing field for all alternative fuels.

Mr. President, I see the distinguished Senator from Nebraska on the floor, so I yield the floor.

A JOBS ISSUE

Mr. KERREY. Mr. President, I thank my friend from Illinois. This discussion is a rather important one, I think not only for the protection of our environment but also for the development of jobs here in America. Jobs are on the minds of every citizen in this country today. The word downsizing has cut through American confidence, and perhaps like no other time in the history of our Nation people are increasingly fearful that they are going to lose their jobs this year.

What the Environmental Protection Agency is doing with this regulation is promoting job growth outside of America. Most of these plants that will be used to produce methanol will be built outside the United States of America.

The regulations that EPA developed on the 31st of March I believe run contrary to the intent of Congress.

As proposed by the EPA, the regulations effectively preclude the use of 10 percent ethanol blends in the Clean Air Act's reformulated gasoline program. This action contradicts the clear intent of Congress and, as the distinguished Senator from Illinois has so eloquently stated, it also contradicts the evidence of science.

We are not asking for a change that would run against the conclusion of those who have examined the issue. It is clear that EPA has a bias toward methanol and a bias against ethanol. I do not believe that Secretary Reilly has that bias. He was before the Appropriations Committee hearings chaired by Senator MIKULSKI, from the State of Maryland, and I believe him when he says he is neutral on the question of whether or not we should have ethanol and methanol, and that he is allowing the science to guide him. But I do not believe his subordinates have a similar view.

My hope is, as the distinguished Senator from Illinois has said, EPA will modify their regulation rather than force us, to with legislation to make this change.

It is forecasted that by the late nineties more than half of the Nation's fuel will be reformulated to reduce air emissions. The ability of ethanol to compete is critical to its ability to participate in the reformulated gasoline market.

This is again a jobs issue for America. It is not a question of trying to provide favorite treatment to some narrow interest. This is part of a larger effort to increase economic opportunity, and jobs opportunity for the American people.

The EPA has focused exclusively on the control of volatile organic compounds, which are indeed increased by the use of ethanol. EPA has also ignored the effect on ozone formation that comes as a consequence of ethanol's reduction of carbon monoxide. EPA practically ignored the positive benefits of ethanol in their efforts to give almost exclusive attention to the impact upon volatile organic compounds.

Further, with regard to the oxygenated fuels program for carbon monoxide, EPA specifically must not allow oxygenated fuels programs to be implemented by States which preclude the use of ethanol blends. Not only would this violate the intent of Congress, but it would reduce consumer choice and it forfeits additional reductions of carbon monoxide emissions.

Mr. President, the critical issue facing EPA is whether or not they are going to be willing to develop a method of determination which reconciles their obvious VOC-driven approach with ethanol's overall emissions benefits.

Mr. President, I join my colleagues who have been here this morning in urging EPA to restore the promise of ethanol growth, which will contribute to economic development and job creation, which will improve air quality, and which will, as well, reduce our dependence upon imported oil. In resolving these issues, ethanol will have access to new market opportunities, as Congress intended. We will be able to say with confidence that we have worked in a way that demonstrates our capacity to protect our environment and to create economic opportunity at the same time.

Mr. President, I yield the floor.

ETHANOL

Mr. HARKIN. Mr. President, I would like to join with my colleagues this morning, in objecting to the EPA regulations regarding the use of ethanol as a fuel additive. During the debate on the Clean Air Act amendments, Senator DASCHLE and I, along with other Senators succeeded in passing an amendment that set a level playing field for ethanol.

Our amendment to the Clean Air Act called for an average oxygen content of 2.7 percent with a 1 pound per square inch [psi] offset in volatility for the use of ethanol. Our amendment passed overwhelmingly by a vote of 69 to 30. Although the oxygen level was reduced to 2 in the final bill, EPA is now ignoring the intent of Congress by permitting California to set a maximum of 2 percent oxygen content, instead of an average of 2.

This EPA failure to enforce congressional intent will eliminate ethanol as a fuel additive in the Nation's worst ozone nonattainment area, since gasohol, the mixture of 10 percent ethanol with gasoline, has an oxygen content of 3.5 percent. The law we passed specifies 2 percent average oxygen content, so

that gasoline suppliers could offer gasohol at 3.5 percent oxygen to offset other gasoline with less or no oxygen. With the 2-percent cap, no one can sell gasohol.

The EPA decision is based on a concern that too much ethanol increases the volatility of gasoline. That is, more gasoline fumes will evaporate with the addition of ethanol, increasing the emissions of volatile organic compounds, or VOC's. But VOC's are not directly deleterious. The key ingredient of urban smog that most stresses our health is ozone, not VOC's. Ozone is formed in the atmosphere when sunlight combines various chemicals, including VOC's, NO_x, carbon monoxide, and other chemicals.

The key question is whether ozone creation is increased with the use of ethanol, not whether volatile organic compounds are increased. Studies have indicated that reducing carbon monoxide will reduce ozone formation. Ethanol dramatically reduces carbon monoxide. Thus the addition of ethanol, according to several analyses, actually reduces ozone even though VOC's may increase.

This is why Congress also passed the 1 psi waiver for volatility when ethanol is added to gasoline. But once again, EPA is ignoring the law. EPA is failing to permit the one psi waiver, to account for the carbon monoxide reductions created by ethanol.

Mr. President, we are not asking for an ethanol mandate. We are not asking EPA to rule that ethanol be guaranteed a certain percentage of the market for oxygenated fuels as we move to reformulated gasoline. We are only asking that the EPA regulations follow the law and permit gasoline blender to choose between ethanol and other additives such as MTBE, derived from fossil fuels.

Finally, let me add that the clean air amendments were designed to reduce carbon monoxide and ozone, but did not explicitly address the issue of global warming. But ethanol also contributes to the reduction of carbon dioxide, the primary greenhouse gas, since carbon dioxide is consumed when crops are grown to produce ethanol. Therefore regulations to allow the use of ethanol will reduce greenhouse gas emissions, as well as helping to clean up our air in carbon monoxide and ozone nonattainment areas.

CLEAN AIR ACT REGULATIONS RE: ETHANOL

Mr. EXON. Mr. President, I first want to thank my friend and colleague from Kansas, the distinguished minority leader, for asking several of us who have been in the forefront of ethanol promotions and programs over the years to come to the floor today to alert the Senate as a whole and the Nation to some continuing difficulties that we are having, surprisingly enough, with regard to ethanol and the role the role that ethanol can and should play in the energy independence of the United States of America, and clean air.

Mr. President, I join my colleagues in expressing continued disappointment in the Bush administration's handling of the Clean Air Act regulations as they relate to the ethanol program, ethanol should be become a basic component of our energy future instead we see roadblocks thrown in the way like many ethanol supporters in this body and throughout the Nation I am growing very tired of these administrative roadblocks.

Several weeks back I wrote to the President on this topic. In that letter I made two basic points. First, ethanol was indeed intended to become a meaningful component of reformulated gasoline under the Clean Air Act and second, the continued administrative delay runs contrary to one of the basic tenets of the President's State of the Union Address.

I hope and request at this time that a copy of my letter just referenced of March 20, 1992, be printed in the RECORD immediately following my remarks.

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

(See exhibit 1.)

Mr. EXON. Mr. President, I am sure my colleagues remember the President's much-heralded criticism of bureaucracy and unworkable regulations during his State of the Union Address. Judging from that speech, it appeared the President was about to wage war on bureaucracy which stymies economic growth and development.

Unfortunately, in this case, those words ring hollow, indeed. Ethanol is suffering from protracted administrative delays. This I say to you, Mr. President, that unless we can be more understanding and recognize the need for ethanol and the desire clearly expressed, in my view, in the Clean Air Act that ethanol should indeed play a key part, then ethanol and all of the investment that is made in ethanol, starting with the States, amplified on by the Federal Government through many legislative actions, unless we are better attuned to the proposition that is now confounding all of us who have advanced ethanol for so long by what we believe to be an unreasonable and ill-conceived concept by officials of the Bush administration in its antiethanol programs, this program that has held such great hope for all of us to help decrease the dependence on foreign oil, and also to clean up our air, could go by the wayside.

EXHIBIT 1

U.S. SENATE,
Washington, DC, March 20, 1992.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I was disappointed to learn of the collapse this week of White House negotiations on reformulated gasoline regulations. Such a delay appears to contradict one of the basic thrusts of your State of the Union Address—the economic necessity of streamlining and expediting federal regulations to promote economic growth.

As you know, ethanol supporters have been working with the Environmental Protection Agency in recent weeks to ensure that ethanol qualifies as a component of reformulated gasoline under last year's Clean Air Act amendments. I believe Congressional intent in this area is abundantly clear. Ethanol was indeed intended to become a meaningful component of reformulated gasoline.

Ethanol plant construction and expansion throughout the nation has been stopped dead in its tracks until this issue is resolved. Hundreds of new construction jobs have been put on hold. What's more, this delay means that the long-term agricultural and environmental benefits of clean-burning ethanol will not be realized in a timely fashion.

I encourage you to redouble your efforts on this front to ensure that expansion in the ethanol industry is not lost in a regulatory quagmire.

With best wishes.

Sincerely,

JIM EXON,
U.S. Senator.

Mr. EXON. Mr. President, I thank the Chair and I yield the floor.

Mr. COATS. Mr. President, I rise today to join my colleagues out of concern for regulations issued by the EPA which remove the incentive for ethanol use in the Clean Air Act's Reformulated Gasoline and Oxygenated Fuels Program. EPA has clearly steered away from the Senate's intent to ensure that ethanol is a viable component of reformulated gas.

Ethanol production is a large industry in Indiana, providing economic opportunity for the northern part of my State as well as an important market for some of the 700 million bushels of Hoosier corn produced annually. One facility in South Bend alone produces 8 percent of the Nation's ethanol. I have long supported the use of ethanol as a clean-burning, domestically produced, alternative fuel.

In 1990, with the strong support of President Bush, Congress passed important clean air legislation which created new opportunities for use of ethanol. The Clean Air Act amendments required the EPA to promulgate guidelines limiting the volatility of gasoline in ozone nonattainment areas. Congress also directed EPA to provide a 1-pound volatility tolerance from these regulations for ethanol blends.

EPA is interpreting the act narrowly to mean that the 1-pound volatility tolerance for ethanol blends will not be allowed in ozone nonattainment areas that are either required to use or that opt-in to the reformulated gasoline program. I am concerned that this interpretation will prevent future expansion in the ethanol industry, despite congressional intent to ensure that ethanol is a viable component of reformulated gasoline. Those of us from corn States know full well the importance of the compromise that was crafted to encourage ethanol use.

Ethanol is important not only to cleaning our air but also to guaranteeing our domestic energy security. It is also crucial that we, as a nation, continue to develop and advance alternative markets for U.S. farm commodities. I am committed to working with Senator DOLE and others to ensure that ethanol plays the role Congress intended for it in the Clean Air Act. I appreciate the administration's sensitivity to this issue. It is my hope that appropriate steps will soon be taken to ensure that EPA's regulations are consistent with congressional intent.

Mr. DIXON. Mr. President, I rise today to join my colleagues in expressing concern about EPA's proposed regulations for the Reformulated Gasoline and Oxygenated Fuels Programs. I am truly disturbed that, as proposed, the regulations will effectively preclude the use of 10-percent ethanol blends in clean air nonattainment areas. If allowed to take effect, these regulations will deal a serious blow to our domestic ethanol industry, threatening the growth and development in ethanol production, which was anticipated when the Clean Air Act amendments were passed.

As my colleagues have pointed out, the Reformulated Gasoline and Oxygenated Fuels Programs in the Clean Air Act amendments passed with overwhelming support. This was largely due to the clean legislative language assuring that ethanol blends would finally have a fair chance to help fill the market for oxygenated fuels. It is, therefore, inconceivable that EPA's proposed regulations would now be written to lock ethanol blends out of the market.

EPA has stated in the past that oxygen content in gasoline is the most efficient and cost effective means of reducing carbon monoxide. The oxygen content of ethanol blends is almost twice that of other oxygenated fuels, and its ability to reduce carbon monoxide levels is greater than any alternative oxygenated fuel. In fact, it has been estimated that the use of ethanol blends will reduce motor vehicle emissions of carbon monoxide approximately 25 to 30 percent.

In addition to its environmental advantages, ethanol provides an important stimulus for rural economic development, and a reduced dependence on imported oil:

Ethanol increases the domestic demand for corn, in 1988, 340 million bushels of corn were used to produce 850 gallons of fuel ethanol, and adds a minimum of 20 cents per bushel to the price of corn. This translates into less reliance on Government price support programs and more production independence.

Ethanol helped reduce oil imports by nearly 400 million barrels per year in 1990. If we blend half our gas with 10 percent ethanol, we can reduce our trade deficit by $4 billion annually.

It would truly be a travesty if such a valuable domestic resource were to be frozen out of contention for the important air pollution programs enacted as part of the Clean Air Act Amendments of 1990. I join my colleagues in urging that the necessary steps be taken to ensure that the Oxygenated Fuels Program and the Reformulated Gasoline Program permit ethanol-based fuels to fully participate, as intended by Congress.

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

Mr. SANFORD. I thank the Chair.

(The remarks of Mr. SANFORD pertaining to the introduction of S. 2670 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senate is in morning business, and the Senator from Colorado may proceed under the time limit from the Senator from Tennessee for up to 40 minutes.

Mr. WIRTH. Mr. President, a number of us would like to speak in support of the resolution offered by the distinguished Senator from Tennessee. And just to get a sense of the order to those—we have 40 minutes remaining on this. I will be speaking on it. Senator WELLSTONE is here to speak on it. Senator BAUCUS is here to speak on it. We promised Senator LIEBERMAN, who will be in the chair at 11 o'clock, he can come and speak shortly before 11. Senator GORE will be over after 11. I will speak. And Senator WELLSTONE is here and Senator GORE will be over at 11. That is just to give a sense of the time to time on how we are going to control an and the time.

Mr. BAUCUS. Mr. President, if the Senator will yield, I want the Senator from Colorado to explain what he means. What is the order?

Mr. WIRTH. We had an agreement, as I understood it, under this that I was going to speak. Then Senator WELLSTONE was going to speak. Senator LIEBERMAN has to be in chair at 11, so he was going to speak right before 11. That was the understanding I was given.

Mr. BAUCUS. Could we work out a different understanding?

Mr. WIRTH. Why do we not proceed and see what we do before the time Senator GORE gets here, and I will explain. A lot of people wanted to speak in a limited period of time.

Thank you very much, Mr. President.

INTERNATIONAL EFFORTS TO ADDRESS GLOBAL WARMING

Mr. WIRTH. Mr. President, I rise this morning to speak about the negotiations of a convention to address global climate change and the legislation just introduced by the Senator from Tennessee. I do so with a deep sense of sadness and no small amount of disappointment.

As we meet this morning, representatives from more than 100 nations are in the final hours of negotiations in an attempt to reach final agreement on a global climate convention. Unfortunately, an air of underachievement hangs over the negotiations. After 2 years of work, little progress has been made toward a convention that would boldly address the enormous challenge of preventing global warming and global climate change.

I know about that air of underachievement because I went to the negotiations earlier this week spending time in New York with the Senator from Tennessee and others. It is hard to describe for my colleagues the tremendous disappointment that hangs over the United Nations. Negotiators are faced with a tragic choice: Nations can support an agreement that accomplishes little and is so painfully and purposely confusing as to be unintelligible, or they can refuse to be party to the only possible agreement and thus to allow the negotiations, and all that they represent for a new world order and global cooperation to fail.

And let there be no mistake in this chamber today, the United States created this dilemma. Our Government's willingness to address these negotiations forthrightly to look at the problem of global climate change and determine what we could do to contribute to an international effort to prevent climate change—that unwillingness and obstructionism created this situation.

Do not take my word for it. Listen to the words I heard spoken the other night by the chairman of the negotiations, Mr. Jean Ripert of France:

> The reason we have ambiguous text here is because there is a lack of agreement among the industrialized countries. The United States has not changed its position and is not going to change its position.

Only 2 weeks ago, there was reason to be hopeful that the United States might join the rest of the world in an ambitious effort to address the threat of global warming.

Two weeks ago, the administration released a document entitled "U.S. Views on Global Climate Change." This document is the only notable contribution made to the process from a nation that has said little and done even less throughout the negotiations.

In the document elaborating our views, the administration finally acknowledges the scientific consensus that so clearly exists on this issue. It is summed up in this statement, and I quote:

> The best scientific information indicates that if greenhouse gas concentrations in the atmosphere continue to increase as a result of human activities, significant changes in the climate system are likely.

That is an acknowledgement of the problem. That is a positive step for this administration.

The document goes on to detail how current initiatives—from the Clean Air Act, the Transportation bill and the President's national energy strategy recommendations—which include next to nothing on energy efficiency—could come close to stabilizing U.S. emissions of carbon dioxide at 1990 levels by the year 2000. Stabilization of carbon dioxide emissions, the target established by the European Community and others more than 1 year ago, could be achieved by doing virtually nothing, particularly if we assume passage of an energy bill this year. Nothing would have to be done. And that has been the position of our administration for so long, do nothing.

Unfortunately, the release of the U.S. views document 2 weeks ago was followed by the insistence of the United States that the final convention produce no legally binding target for nations to reduce emissions.

When I went to New York on Monday, I assumed that further negotiations would be underway on the text to clarify and firm up the commitments nations would enter into under the convention. Unfortunately, that was not the case.

The most striking feature of the negotiations in New York was the incredible, unsurpassed power of the United States. Our Nation can lead the world. Unfortunately, our leadership has been squandered on a confusing document. We exerted our influence to make the agreement confusing. And this administration has done a masterful job of it.

The abdication of leadership by the administration leaves us with the burden of explaining to future generations why we did not take aggressive steps to address the greatest political and environmental challenge of our time. Why did this administration not complete any basic analysis of our capability to reduce our disproportionate share of greenhouse gas emissions, or to lead the world in a global effort to protect the global commons? It is shameful, Mr. President. Shameful and sad. More importantly, it bodes ominously on our environmental and economic future.

The economic opportunities of the future lie ahead for those nations and those industries that can create the environmentally sound products and services that will be needed to protect the global environment: Japan recognizes this fact; Germany recognizes this fact, but not the United States. Our competitors are preparing for the future—establishing programs to build and export new energy and environmental technology to a world that wants to grow in an environmentally responsible manner. Will we yield or seize those markets? I fear the former.

With our great power, we could have used the analysis of the National Academy of Sciences, Government experts and others who have determined that we could stabilize and reduce our emissions at little or no cost. We could have used this as an opportunity to revitalize our economy, launch a major national effort to make our economy more efficient and develop the new technologies that will be in demand in the future. Just last week, the Alliance to Save Energy and the American Gas Association found that we could reduce 1990 emissions by 12 percent in the year 2000 and save consumers $137 billion. And there are any number of similar studies. Unfortunately, the administration did not even do their own analysis. They did nothing.

Instead, the administration appears to have latched on to the emerging new ideology which lacking a Communist under every bed, now sees a green behind every tree. It is my belief that the far right in this country has made efforts to protect the global environment a new litmus test. You are either with us or without us.

This new ideology is emerging in the shrill public statements of Patrick Buchanan and others about the "bead and sandal crowd" and the "new internationalists" who—they claim—want to give away money to the developing nations or who want to block economic development in our own country. In the most simplified terms, they seek to politicize and tear down those working to launch a cooperative venture to clean up and protect our basic ecological systems. That politicization and ideology is emerging. Beware the new litmus test.

These disturbing developments, Mr. President, leave us with little to be proud of, little to hope for as the largest international summit of all time approaches in 1 month. The centerpiece of the Rio Earth summit—a global warming convention—has been watered down to the point of being meaningless. The United States has succeeded in blocking this international effort. The eyes of the world are upon us.

In the face of these disturbing and painful developments, it is imperative that we in the U.S. Senate step up to the challenge and fill the void of a rudderless administration. And once again, we are in the debt of Senator GORE for providing that kind of leadership on the issue of global climate change.

I rise today to strongly support the legislation being offered by the Senator from Tennessee. He is putting before this body a proposal that should be contained in the treaty being negotiated in New York. We should have had the opportunity to support the stabilization objective when the treaty documents were sent to the Senate for advice and consent. That possibility has been blocked by our Government. Now it is incumbent upon us to take and pass this legislation as soon as possible.

Let us commit to sending a signal to the rest of the world that the U.S. Senate will right a ship that is seriously off course and off base.

Let us commit to placing into law an objective that can be accomplished at no cost and with no more action than passing the energy legislation that will be completed this year.

Let us tell our children that we responded to the challenge and initiated the battle to protect the global environment.

Let us raise our heads from the shame of scuttling international negotiations and look with pride to what we can do in this body to project an America that is not afraid to take on the special interests and new ideology that would compromise the future habitability of the planet.

Let us do what we were elected to do, and work together to address our common challenges with a vision toward building a better future for our Nation and the world.

I urge all of my colleagues to join me in supporting Senator GORE and the majority leader in passing this legislation. It is the most important contribution we can make to the future of our children and the future of our world. Thank you very much.

In early June, convening in Brazil, will be the so-called UNCED conference, probably the most important environmental conference ever held and maybe the most important conference of heads of state ever held in the history of mankind. This conference will be focusing on the potential for sustainable development and environmental protection in the future.

The world and this conference is asking what the United States is going to do. Is the United States going to exercise its responsibility to lead or is the United States going to drag its feet and be really a negative force or at best a neutral-to-negative force in the process of trying to develop a series of international agreements focused on the future of our environment and man's enormous destruction of the environment?

It is constructive, I think, to look at what the scientists say on the question of global climate change. We had a very good hearing yesterday in the Energy Committee, and I commend the record of that hearing to any of those interested in this.

We also have a very good paper put out by the administration, "U.S. Views on Global Climate Change," which I ask unanimous consent be printed in the RECORD after my comments.

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

(See exhibit 1.)

Mr. WIRTH. Mr. President, this paper outlines the administration's view and summary of the science, a relatively strong support for the overwhelming

scientific evidence that we know that it is going to get warmer. We just do not know how fast or exactly where or when.

We also have a very good piece of testimony from the National Center of Atmospheric Research by Dr. Stephen H. Schneider outlining a clear analysis of where we are. And I also ask unanimous consent that be printed in the RECORD at the appropriate point.

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

(See exhibit 2.)

Mr. WIRTH. Mr. President, the world is going. What are we going to do in the United States?

The distinguished Senator from Tennessee and I were in New York on Monday and Tuesday as the negotiations there are drawing to a close and some things become absolutely clear.

First and foremost, the world is looking to the United States for leadership. We have incredible amounts of power and we are not exercising that leadership. The United States has the opportunities here and for reasons that are, I believe, purely political—not technical and not scientific—we have decided not to exercise this leadership in the way that we could and the way that the world expects of us. We have agreed on the science and yet we are unwilling to take the steps necessary to implement that agreement.

A second item that becomes absolutely clear, a theme that comes out of this is that there are enormous opportunities in Rio if the United States is willing to recognize those opportunities and not shirk them because of our fear of the politics of the sort of litmus test rightwing issue on global climate change.

Company after company are telling us there is an enormous amount we can be doing. There are huge economic opportunities for us in the United States acknowledged only earlier this week in a press conference that was held and a statement was issued by a whole series of businesses.

The Business Council for a Sustainable Energy Future issued a press release and put in on the record, the letter they were sending to President Bush, dated May 6, and I ask unanimous consent that also be printed in the RECORD.

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

(See exhibit 3.)

Mr. WIRTH. The U.S. leadership is very clear. We can exercise that. We are not doing it. The opportunities are enormous. We are not taking advantage of those opportunities.

And, finally, I believe what is going on here—and I am reluctant to say this—the politics have overtaken the science and overtaken the economics, and what is going on in global climate change is becoming clear, and the global climate change issue is that old right wing thought that used to see a Commie under every bed that had this sort of reflective attitude toward everything that was going on in the world as sort of a conspiracy and has now turned their guns and attention on the environmental movement, and it is now an eco-terrorist behind every tree, and this is driving a coalition of very conservative forces politically and economically to be leading an effort in exactly the wrong direction.

It is a minority of people, it is a dramatic minority of views that are driving and leading this issue, and the administration is caving in to them, just as we have seen the administration cave in on the arts, just as we have seen the administration cave in on civil rights legislation, just as we have seen the administration cave in for political reasons to these very narrow and very, very narrow interests. It is really a shame.

The American public ought to come to understand what is happening on this. On the one hand, we have all of these opportunities, the science is saying where to go, the world is asking of us for leadership. It is a great array of potential for the United States. And once again the administration is not reaching to that potential nor is it leading, and the reason for that is a kind of nasty, darkside politics. It is a shame to see this all happen.

We get a lukewarm agreement coming out of New York, we get something but a lukewarm agreement at best and at least we kept the door open, and I congratulate our negotiators being able to do that. It is a very difficult task for them given the orders they had and their understanding of reality.

Mr. President, I ask unanimous consent to print in the RECORD a paper from the Intergovernmental Negotiating Committee or a Framework Convention on Climate Change, an article by me entitled "U.N. Treaty on Global Warming Fizzles under U.S. Pressure," and an article entitled "U.S. Indicates Readiness To Accept Non-Binding 'Earth Summit' Goals on Gases."

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

(See exhibit 4.)

EXHIBIT 1

U.S. VIEWS ON GLOBAL CLIMATE CHANGE

THE SCIENCE

For some time the scientific community has warned us of the potential for human activities to contribute to global climate change, while recognizing that there is still much we do not know or understand about this issue. The United States has taken this warning to heart. Through both governmental and non-governmental activities we have invested heavily in scientific research to better understand the nature of the problem. The United States currently contributes roughly half of the world's climate research budget. Science, we believe, provides the cornerstone on which a sound response to the problem of climate change should be built. The following represents a consensus view of a broad range of scientists, including most U.S. scientists, who have participated actively in the international effort to understand the issue:

Climate Change: While scientists cannot yet establish that a human-induced warming has already occurred, best estimates indicate that increased concentrations of greenhouse gases are likely to increase atmospheric and ocean temperatures and alter their associated circulation and weather patterns. However, the magnitude, timing and regional details of these changes cannot be predicted with much certainty. Climate models predict changes in the average temperature of the globe's atmosphere as a consequence of a doubling of atmospheric concentrations of carbon dioxide are unlikely to lie outside the range of 1.5° to 4.5°C. (2.7 to 8.1°F), with a best estimate, based on model results and taking into account the observed climate record, of 2.5°C (4.5°F). Associated sea-level rise has been estimated to range between a few tens of centimeters and approximately 1 meter (less than 1 foot to approximately three feet). In addition, observed warming in recent years is of the same magnitude as that predicted by the models but also of the same magnitude as natural variability. Thus, the observed increase could be due predominately to natural variability or could be part of a larger warming offset by other human factors. Potential impacts of climate change are likely to vary considerably from region-to-region, with particular risks for drought-prone areas, irrigated agriculture, water resources, coastal zones and natural ecosystems. Precise evaluations of the impacts of climate change are not likely to be available for a decade or more.

Greenhouse Gases: The principal greenhouse gases are water vapor (H_2O), carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), chlorofluorocarbons (CFCs), and ozone (O_3). Of these, water vapor has the largest greenhouse effect; however, on a global scale, its concentrations in the atmosphere are not directly affected by human activities. With the exception of CFCs, the remainder of these gases occur naturally; human activities have contributed significantly to increases in all of their atmospheric concentrations. CO_2, principally from the burning of fossil fuels, constitutes approximately 60% of the total greenhouse effect of these anthropogenically produced gases. (This is based on estimates of the relative effects of each of these gases over time, expressed as "global warming potential" or GWP.) The economically developed world currently accounts for around half of global greenhouse gas emissions; by 2025, the contributions of different countries will shift, and developed countries are expected to account for as little as a quarter of the total as compared with the developing countries and those countries with economies in transition.

Mitigation and Adaptation: Some of the consequences of climate change can be reduced through mitigation or adaptation or by some combination of the two. Mitigation can be achieved by limiting greenhouse gas emissions from sources and protecting and enhancing greenhouse gas sinks and reservoirs such as oceans, soils and forests. Emissions from sources can be limited, for example, through increases in energy efficiency and conservation, and changes in agricultural practices. Greenhouse gas sinks can be enhanced through changes in land use patterns and practices, principally through new agricultural techniques and through afforestation and reforestation.

Adaptation can reduce vulnerability to projected climate change. A global adaptive

response to reduce vulnerability will require such actions as re-examining water management systems and coastal zone protection, developing drought and heat tolerant crops, and developing techniques to protect risk-prone natural ecosystems.

Implications: The best scientific information indicates that if greenhouse gas concentrations in the atmosphere continue to increase as a result of human activities, significant changes in the climate system are likely. However, current analyses are unable to predict with confidence either costs or benefits or taking steps to control atmospheric concentrations so as to prevent dangerous human-caused interference in the climate system.

THE U.S. APPROACH

In light of these uncertainties, the United States favors a flexible, bottom-up approach with a long-term view that seeks to identify and implement actions justified for a variety of reasons, including responding to climate change. Such actions include activities aimed at mitigating or adapting to climate change and continued research on the science, impacts, technology, and economics of both impacts and response options. In light of the need for a global response to concerns about climate change, the United States also favors cooperative action (technical and financial) with developing countries and countries with economies in transition. Examples of some of the actions to which the U.S. is committed are listed below.

MITIGATION

The United States is firmly committed to taking economically-efficient actions to mitigate climate change—actions that reduce net emissions of greenhouse gases by reducing sources and enhancing sinks. We believe these actions and their effects on greenhouse gas emissions in the United States will compare favorably with those of other developed countries.

Since February 1991, the United States has begun implementing a National Energy Strategy which defines a new, more efficient energy path for the United States. We have also passed a new transportation law that will greatly improve the efficiency of moving people and goods by autos, rapid transit, and other means. Also, in 1990, the U.S. adopted the world's most stringent clean air legislation, which will also contribute to emissions reductions. These initiatives, combined with others, commit us to action in areas such as energy efficiency, transportation, the use of lower carbon emitting supply technologies, agriculture and natural resources, and technology research and development. These are actions we are taking now.

We have estimated that these actions will reduce projected net greenhouse gas emissions in the United States by approximately 125 to 200 million metric tons in the year 2000. These reductions represent 7 to 11 percent of projected emissions levels in the year 2000. We will continue to update and refine our national action strategy and the projected effects of that strategy as new information on science, economics, technology and policy becomes available.

Tables 1, 2, and 3 illustrate actions we are taking at the federal level and their impacts on greenhouse gas emissions. State and local governments in the U.S. are also taking actions that will have the effect of reducing greenhouse gas emissions. These actions are being carried out independently and/or cooperatively with the Federal Government. An inventory of State and local programs will be provided later, together with estimates of how these programs will affect greenhouse gas emissions.

ADAPTATION

The United States has embarked on an effort to both define and develop technologies and practices which, if implemented, could facilitate natural and societal adjustment to the environmental, social and economic consequences of climate change. While many of these programs are still in their embryonic stages, several are already underway. Areas of particular focus include sectors of the economy which deal with water resources, natural systems, forests, agriculture (both managed and natural) and human systems.

Coastal zones

Examination of and planning for impacts of sea-level rise on shore erosion, human-built infrastructure and natural systems; and

Development and promotion, in the context of the IPCC, of methodologies for assessing vulnerability to sea-level rise and the implementation of integrated coastal zone management plans to address this vulnerability.

Forestry and agriculture

Creation of forest health monitoring plots to assess regional scale environmental threats on an annual basis;

Enhancement of soil inventories in range, forest and cropland areas;

Development of forest and grazing land health indicators;

Research on and development of new crops and tree species that are heat and/or drought tolerant;

Programs to develop technologies to help manage natural system migration under conditions of climate change;

Research and development of technologies and practices to increase the productivity of agriculture and forestry; and

Research into the agricultural effects of increased atmospheric concentrations of CO_2.

TABLE 1.—ADDITIONAL U.S. ACTIONS TO CURB CARBON DIOXIDE EMISSIONS

Action/description	Potential technical improvement (percent)	Year 2000 market penetration (percent)	Electric energy savings (BKWH)	Year 2000 carbon reduction (MMTC)
DSM/green lights:				
Commercial/industrial	65	25–62	81–203	17.0–50.1
Residential	75	27	23.4	4.9
DSM/green computers	57	65	26.3	5.5
DSM/green industrial motors	30	16	39.5	8.3
DSM/green buildings (HVAC)	53	17	41.9	8.8
Golden carrot refrigerators	57	3	3.0	.6
Residential clothes washers	96	3	1.3	.3
Residential clothes dryers	65	3	1.2	.3
Low flow showerheads	58	11	10.2	3.4
Solar thermal water heaters	70	[1] 2–[2] 3.5	4.8	1.4
Advanced heat pumps	20	NA	1.8	2.5
Appliance standards	NA	NA	22.2	4.7
Residential space heating:				
New	20	8		
Old	10	10	2.4	.5
Residential central air conditioning	29	40	9.6	2.0
Residential room air conditioning	19	40	1.2	.3
Residential cooking	8	40	1.2	.3
Commercial cooking	20	30	1.8	.4
Industrial electrolytics	20	13	1.8	.4
Amorphous core transformers	70	25	9.0	1.9
Miscellaneous residential and commercial end uses	13	40	15.0	3.1
Better refrigerants	5	80	8.2	1.8
Tire inflation, auto inspection and maintenance, etc	NA		NA	3.0

TABLE 1.—ADDITIONAL U.S. ACTIONS TO CURB CARBON DIOXIDE EMISSIONS—Continued

Action/description	Potential technical improvement (percent)	Year 2000 market penetration (percent)	Electric energy savings (BKWH)	Year 2000 carbon reduction (MMTC)
1991 Transportation Act	NA	NA	NA	4.0
Subtotal: Gross additional carbon actions			306–429	75–108

[1] Homes with gas heaters.
[2] Homes with electric heaters.

TABLE 2.—ADDITIONAL ACTIONS TO CURB CARBON DIOXIDE EMISSIONS—SUBTOTALS

	Electric energy savings (Bkwh)	Year 2000 carbon reduction (MMTC) [1]
Gross additional carbon actions	306–429	75–108
Less:		
National energy strategy integrated resource planning	−116	−24
Consumer response to lower prices [2]	−38	−8
Additional carbon actions (net of national energy strategy (NES) and consumer response)	152–275	43–76
Plus:		
Actions in President Bush's NES proposals:		
Efficiency improvements and integrated resource planning		
Natural gas regulatory reform		
Expanded use of biofuels		
R&D for renewables, transportation and energy efficiency		
Provides framework for additional actions (previous pages)	128	45
Total carbon reductions	281–402	87–121
Carbon sinks: "America the Beautiful" and other forestry programs		5–9

[1] Reductions are in millions of metric tonnes of carbon equivalent in the year 2000. These projections are sensitive to assumptions regarding energy prices, economic growth, and technology penetration over the next decade. Future projections will change as the actions list is updated, as events effecting the energy markets and the economy unfold, and as the effects of current actions are seen.

[2] This value (12 percent to 20 percent of the electricity savings) is included as an adjustment for increases in demand for energy services that will result as the introduction of these efficient technologies lower consumer costs. The actual "rebound" effect may vary significantly from this value.

TABLE 3.—ADDITIONAL U.S. ACTIONS TO CURB OTHER GREENHOUSE GASES

	Year 2000 carbon equivalent reduction (MMTC) [1]	
	At CH_4 GWP=11	At CH_4 GWP=22
Methane:		
Methane capture/landfills	19	39
Methane capture/livestock waste lagoons	3	7
Methane capture/coal mines	3	6
Livestock Dietary Program	3	6
Total methane reduction	25–28	52–58
Nitrous oxide: Green Nylons Program	8–12	8–12
Total other gases	33–40	60–70
Total GHG reductions (carbon and other)	125–170	152–200

[1] Reductions are in millions of metric tonnes of carbon equivalent in the year 2000. These projections are sensitive to assumptions regarding energy prices, economic growth, and technology penetration over the next decade. Future projections will change as the actions list is updated, as events effecting the energy markets and the economy unfold, and as the effects of current actions are seen.

Natural and human systems

Creation of an integrated biosphere monitoring network using biosphere reserves to assess impacts on and responses to global change by natural and human systems;

Creation of detailed inventories of land use and point source pollution to be used in analysis of changes in meteorology;

Consideration of new techniques for geoengineering programs and projects (including research aimed at understanding the costs and benefits of such projects as ocean biomass stimulation, solar screening techniques); and

Promotion of research on human behavior, examining cultural adaption over time, psychological factors in adaptation to stress, and the development of attitudes and values.

Water resources

Development of climatological databases for water resources to assist with the prediction and modelling of local and regional climate changes;

Analyses of the susceptibility of the Tennessee Valley Authority (TVA) region to extremes in meteorology, looking at consequences for power systems, water availability and flooding; and

Examination, through Federal and State programs of changes in water availability as a consequence of climatic/hydrological shifts.

CONTINUING RESEARCH

The United States has been extremely active in promoting research essential to the understanding of the science and economics of climate change, including natural and human-induced changes and their implications. Toward this end, we will have spent more than $2.7 billion for global change research for the three Fiscal Years 1990–1992, and the President's FY 1993 Budget requests nearly $1.4 billion for global change research, an increase of $260 million (24%) over the FY 1992 level. The U.S. program represents approximately half of the world's research effort in the area of climate and climate change.

The goal of the research program is to respond to the most critical scientific uncertainties identified by the Science and Impacts Working Groups of the Intergovernmental Panel on Climate Change (IPCC). The U.S. Global Change Research Program (USGCRP) adopted four integrating themes for the conduct of research including (1) modelling and prediction, (2) the global water and energy cycles, (3) the global carbon cycle, and (4) ecological systems and population dynamics. In addition, the research program supports economics research related to global change.

The USGCRP has been developed through a comprehensive multi-year effort. The effort is intentionally broad, including in its scope not only U.S. government agencies, but also national and international scientific communities, and both formal and informal links to other governmental and non-governmental organizations.

TECHNOLOGY COOPERATION

The U.S. strongly supports technology cooperation with developing and other countries because it is these countries that will be the primary source of greenhouse gas emissions in the next century. Technology cooperation should address both "hard" and "soft" technology needs. It includes, in addition to technology transfer in the traditional sense of the phrase, priority concerns such as technology needs assessment, technology development, technical assistance, training, and institution or capacity building. In calling for a cooperative process, the United States recognizes that the successful transfer of knowledge, know-how, or equipment depends upon a two-way relationship based on mutual interests and benefits. Such a process also recognizes and relies heavily on the creativity and dynamism of the private sector.

The United States has already initiated a considerable range of activities involving technology cooperation related to climate change including the following areas: energy efficiency, energy supply, agriculture, forestry and natural resources, climate science and coastal zones. A sample survey of selected countries and government agencies indicates that in 1991 alone we invested more than $140 million in cooperating with developing countries and countries with economies in transition in these activities. A look at upcoming budgets makes clear that this amount will grow as we gain a clearer understanding of the science of climate change and the measures individual countries believe make sense for them to take in response.

To help countries assess their needs as they relate to developing sound responses to climate change in the context of overall development goals, the U.S. recently committed $25 million over two years to support country studies for developing and transitional countries. In addition, we have also committed $50 million to the core fund of the restructured Global Environment Facility (GEF) of the World Bank, UNDP and UNEP.

INTERNATIONAL PROCESS

The United States favors a framework convention that will establish a forum and a process to engage all countries in responding to climate change concerns over the long term.

We think this forum should consist of a Conference of the Parties, a Secretariat, and two subgroups under the Conference of the Parties; a Scientific Advisory Committee and an Implementation Committee. The scientific advisory committee would be the link to the IPCC and other international scientific and technical organizations. It would interpret and integrate the work of these organizations for the Conference of the Parties. The implementation committee would prepare technical assessments of reports submitted under the Convention for review by the Conference of the Parties.

We envision an international process focussed on actions. Industrialized countries would first develop emissions inventories using a common methodology. In addition, they would develop national climate action plans containing measures that would have the effect of mitigating and/or adapting to climate change. In addition, industrialized countries would indicate actions they will take consistent with national circumstances and provide estimates of the impacts of their actions over an agreed time period, relying on agreed methodologies for estimating these impacts. By reporting on actions in an open and transparent process, all parties would be able to share information and experience and learn from each other. Public scrutiny will provide a strong incentive for taking meaningful actions with maximum benefits for climate and other reasons. These reviews should take place at agreed upon intervals as soon as possible.

We think that developing countries and countries moving toward free market economies should also engage in this process by preparing national reports. Their reports would describe relevant national circumstances and assess their current emissions and vulnerability to climate change. Many of these countries may need assistance to prepare such reports, and for that reason we have proposed technology cooperation for this purpose. Specifically, we have committed $25 million over two years to help them assess the national situations and needs as a basis for preparing national reports. In those reports, countries would identify specific projects and programs with benefits for climate as well as their economic development. They would also identify technological and financial resource needs related to implementing such projects.

We think this process will begin a global response to what is clearly a global problem. Focusing on sound actions will produce meaningful results. Recognizing and respecting diverse national circumstances will help assure broad participation. Providing technology cooperation and support for countries in need will promote a cooperative approach, strengthening efforts to build the global partnership that is needed as we move toward the next century.

EXHIBIT 2

A PERSPECTIVE ON THE GLOBAL WARMING DEBATE

(Testimony of Stephen H. Schneider[1] National Center for Atmospheric Research[2] Boulder, CO)

THE MEDIA DEBATE

Several years after "global warming" hit the headlines in the wake of the heat wave and fires of 1988, so much misinformation about the 'greenhouse effect' has been circulated that public understanding is confused and public policymaking paralyzed. The airwaves and printed pages have been clogged with assertions and counterassertions of opposing advocates with charges and countercharges over the alleged seriousness or triviality of global warming.

As a climatologist identified with this subject, I am constantly asked to explain what is actually happening and how important it is. It has accelerated since then to the accompaniment of a surge of criticism, some well-intended, some pure vitriol (for example, Detroit News, 1989, see Appendix A). The experience since those hotter than usual summers of '87 and '88 has confirmed for me at least two crucial points:

The extent of public concern ought to be shaped by the scientific and economic knowledge about possible long-term climate change and its effects on, for example, farms, floods, sea levels, forest fires, ecosystems and tropical diseases.

But the extent of public concern is being shaped by the blurring of scientific and economic facts under the impact of political opinion, media miscommunication, and a debate among battling scientists themselves.

Scientists too often share responsibility with the media for not communicating complex science issues clearly to the public. Most members of the general public, as well as many officials in government, do not recognize that most scientists spend the bulk of their time arguing about what they don't know. Most scientists consider discussions of well-accepted, proven ideas as "old hat" and not worth our time. That attitude is not without merit, however, for the scientific method operates on the basis of constant questioning, particularly for those issues that are not yet well validated. But if the public and its representatives do not understand our process and its focus on not-yet-resolved issues, they will not easily be able to interpret what has been called the "dueling scientists" debate over global warming, regardless of whether the debating scientists are ideologically driven or not. We simply have to spend more time making clear the distinctions among (1) what is well known and accepted by most knowledgeable scientists, (2) what is known with some degree of reliability, and (3) what is highly speculative.

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[1] Any opinions, findings, conclusions or recommendations expressed in this article are those of the author and do not necessarily reflect the views of the National Science Foundation.

[2] The National Center for Atmospheric Research is sponsored by the National Science Foundation.

The public debate on global warming rarely separates those components, thereby leaving the false impression that somehow the scientific community is in overall intellectual disarray. In fact, the 15-year-old often-reaffirmed US National Academy of Sciences consensus estimate of 1.5 degrees C to 4.5 degrees C global average warming in the * * * if CO_2 were to double still reflects the best estimate from a wide range of current climate models (IPCC 1992) and ancient climatic eras (Lorius et al 1990). The earth has not been more than 1 to 2 degrees C warmer than now during the 10,000-year era of human civilization. The previous ice age, in which mile-high ice sheets stretched from New York to Chicago to the Arctic, was "only" 5 degrees C colder than the current 10,000 year old interglacial epoch we now enjoy. This 1.5–4.50 C warming range still includes those studies that recently halved the "best guess" on warming from over 4 degrees C to 2.5 degrees C. Perhaps some new discovery next week will push it back up again, but even if not, that enduring 1.5 to 4.5 degrees C warming consensus still remains.

Changes of this magnitude could dramatically alter accustomed climatic patterns, affecting agriculture, water supplies, disease patterns, ecosystems, endangered species, severe storms, sea level, and coastal flooding.

Unless scientists communicate what they know along with what they don't know, the public policy process is subverted in an endlessly confusing debate that inadequately represents the actual nature of informed opinion. It is difficult for the media to do what sometimes I wish they would: back off of their concept of "balance" in favor of the concept of "perspective". If an issue is complicated, it simply is not enough to give equal inches or minutes to "all sides"—a practice which often leaves the public more confused than before, particularly if the "sides" that are left out are the middle: the bulk of experts, i.e., the people who created the established consensus.

Moreover, that established consensus must be stated in terms of probabilities, as very few scientists, myself included, would say they believe the future climate "will" be in or out of the 1.5 to 4.5 degrees C warming range for certain. Rather, most believe this range to be reasonably probable. Therefore, if scientific opinion is to be communicated accurately, it must be by conveying issues in probabilistic terms and providing perspective on the range of views rather than by conducting an entertaining but misleading debate among the most extreme of the dueling scientists—or occasionally stretched beyond caricature in editorials or articles by polemicists and ideologues.

It is sad that the climate change debate recently has taken on a decidedly *ad hominum*, personal character, perhaps mirroring the lowering of the intellectual level of debate prevalent in so many political contests. The policy focus should not be, as the Detroit News once tried to argue, (Detroit News, 1989, Appendix A), on whether an individual scientist purportedly represents some complex issue fairly any more than whether some scientist believes the Detroit News to be biased (e.g., Schneider, 1989, Appendix A). Such personal attacks and defensive responses actually cloud, rather than clarify technically complex, controversial issues. What counts, then, is the nature of the evidence and the spectrum of opinions of a broadly representative group of experts (e.g., IPCC 1992 or NAS 1991), not a few highly visible debaters getting most of the media attention.

WHAT DOES COMPRISE A CONSENSUS ON GLOBAL WARMING?

Just to illustrate this point that much is known and accepted by the vast majority of the knowledgeable scientific community, I offer the following list of global warming related points accepted by a very large fraction of the relevant expert communities. One good source for discussions on the following points is the recent National Research Council's study on global warming and its implications (NAS 1991). (The parentheses after each of these statements is my own estimate of the likelihood of the statement being true.)

1. Greenhouse gases like H_2O, CO_2, CH_4, N_2O, CFCs trap infrared radiative energy in the lower atmosphere. (Certain)

2. The natural greenhouse effect from clouds, water vapor, CO_2 and methane is responsible for some 33°C (60°F) of natural surface temperature warming. (Certain)

3. Humans have altered the natural greenhouse effect by adding 25% more CO_2, 100% more methane and a host of other greenhouse gases such as N_2O and CFCs since the Industrial Revolution. (Certain)

4. Added greenhouse gases from human activities should have added some 2–3 watts of infrared radiative energy over every square meter of earth. This is well established based on our considerable knowledge of or structure of the atmosphere and extensive validation from satellites and other measurements even though the extra 2–3 watts cannot be directly reassured yet. (Virtually certain)

5. The earth has, in fits and starts, warmed up by about 0.5°C over the past century; the 1980s are the warmest decade on record and 1990, 1991 and 1988 were (in order) the warmest years on record. (Very likely)

6. Although no highly significant (i.e., at the often-cited 99% statistical confidence limit) correlations between the observed warming and the buildup of human-induced greenhouse gases can be asserted for at least another decade or two, the likelihood that the 0.5°C 20th Century warming trend is wholly a natural phenomenon is small (i.e., I would estimate perhaps a 20% chance). (Likely)

7. Most climatic models project a warming of several degrees or so in the next 50 years given standard greenhouse gas emission scenarios, and they portend a potential longterm (i.e., 2100–2200 AD) warming commitment as high as 5–10°C (e.g., IPCC, 1992). (Good chance, at least an even bet)

8. Natural, sustained, globally averaged rates of surface air temperature change (e.g. from the break up of the last ice age 15,000 years ago to the full establishment of our current interglacial age some 5,000–8,000 years ago) are about 1°C per 1000 years. On the other hand, even the minimum projected human-induced rates of climate change are on the order of 1°C per 100 years up to a potentially catastrophic rate of 5°C per 100 years—the latter being some 100 times faster than typical sustained globally-averaged rates of climate change to which human civilization evolved and the current distribution of species and ecosystems emerged. (Very likely)

9. Most forest species migrate at rates of at most 1 kilometer per year, and would not be able to "keep up" with temperature changes at rate of several degrees C per century without human intervention to transplant them (i.e., ecological engineering). (Very likely)

10. Different species (e.g., specific kinds of trees, insects, birds, mammals) would all respond differently to projected climatic changes. For example, birds can migrate rapidly but the vegetation some birds need for survival habitat would respond only very slowly (over centuries, e.g.). This implies a tearing apart of the structures of communities of plants, insects and animals (e.g., Root 1992) at rates which exceed clear preclude historic or geologic metaphors (Graham and Grimm 1990). (Very likely)

11. Current engineering and economic practices in terms of building standards, automobiles, power production or manufacturing are very retarded relative to the energy efficiency of best available technologies or techniques. Many studies show that from 10 to 40% reductions in (e.g., NAS 1991, OTA 1991) current Co_2 emissions in the U.S. could result with costs at or below current rates of expenditure for the equivalent energy services if current inefficient practices/infrastructures were replaced by state-of-the-art, proven efficient practices/equipment. (Very likely)

The uncertainties in temperature projections over the next century range over a factor of 10 and are well summarized by Figure 1. This is an attempt to include uncertainty from human behavioral activities that create greenhouse gas emissions, biological factors that influence the carbon cycle and physical factors such as the "feedback effects" of clouds or ice, all of which taken together lead to the wide differences seen on Figure 1 (Jager 1988).

WHAT IS KNOWN WITH SOME RELIABILITY

A major criticism of global warming has been the nonperfect match between the erratic warming of the earth and the relatively smooth increase in greenhouse gases over the past hundred years. It has been alleged that the temperature trends in the 20th century cannot be attributed to greenhouse gas buildup, because most of the warming in the 20th century took place between 1915 and the 1940s, followed by a cooling at the very time the global greenhouse gases began to build up rapidly. Then, from the mid-1970s to 1992 there has been a dramatic warming, with the past 12 years containing over a half dozen of the warmest years on record.

This problem of cause and effect is akin to a criminal investigation in which the whereabouts of one principal suspect is fairly well known, but the whereabouts of other possible secondary suspects were not carefully observed. In this case, of course, the "crime" is the 0.5 degree C warming trend of the 20th century and the known principal "suspect" is the known increase in greenhouse gases. Unfortunately, we can't rule out some possible role for the unwatched "suspects," since we do not have quantitatively accurate ways of measuring precisely what these suspects did—these other potential climatic influences or "forcings" as they are called. Among these suspects: sunspot activity or atmospheric particles from volcanic eruptions, industry, automobiles, and agriculture. it has long been known that most of these particles, for example, tend to cool the planet, counteracting any greenhouse effect, at least regionally.

Very recently, Charlson et al (1991) picked up on this old debate (e.g. Charlson and Pilat 1969; Schneider 1971; SMIC 1971) of the cooling potential of human emissions of SO_2 (largely from burning of sulfur contaminated oil or coal) and added some quantitative insights. They concluded that sulfuric aerosol particles (a form of smog) could both directly and indirectly (by brightening clouds) reflect enough sunlight away so as to nearly compensate the extra human-caused greenhouse effect surface-layer heating from CO_2, CH_4, and CFCs over most of the Northern

Hemisphere land masses since the 1960s. Since this reflection of sunlight is a daytime phenomenon but the addition of greenhouse gases is a day and night effect, scientists (for example see, Kerr 1992, Appendix B) recently have begun to project that the SO_2 effect combined with the anticipated global warming from greenhouse gas emissions would, at least over land in the Northern Hemisphere, result in a night-time warming trend. Recently, Karl et al (1992) noted that over the U.S., the former U.S.S.R. and China (precisely those places most affected by SO_2 emissions), recent (i.e., the past thirty years) warming trends were indeed largely at night. While thirty years is too short to lead to any confident conclusions, these latest results *add* (not subtract as some critics have contended) to the confidence that greenhouse gas buildup equivalent to a doubling of CO_2 would eventually warm the earth by some 1.5 to 4.5°C. This is all noted in the recent update of the Intergovernmental Panel on Climate Change (IPCC 1992) report.

One final aspect needs mention. We should take little comfort from the possibility that sulfuric acid particles will "save us" from global warming for two reasons. First, such chemicals are a principal ingredient of acid rain and health-threatening smog. Second, aerosols are, as many have noted for decades (e.g., Schneider and Mesirow 1976) a regional phenomenon, whereas "greenhouse" heat trapping effects are spread fairly uniformly over the globe. Thus, even if on a hemispheric average sulfur aerosols were to exactly reject as much extra solar heat to space as greenhouse gases trapped heat in the infrared wavelengths near the surface, this situation would not be a cancellation of climatic effects, since the cooling would be in very patterned half-continental sized patches whereas the heating would be relatively evenly distributed around the hempshere. The likely result would be a distortion of normal heating patterns, such as the land/ocean thermal contrast. Such distortions would likely lead to regional climatic anomalies (i.e., unanticipated local/regional climatic events) even if the net hemispheric temperature changes were small as a result of the hemispheric-scale heating/cooling compensations. In short, we cannot "cure" global warming with sulphur dioxide emissions and escape risk free.

An updated interim report of the IPCC acknowledged many uncertainties, while concluding once again that at 1.5 to 4.5 degree C warming is quite likely to cover what the actual long-term temperature response to CO_2 doubling will be over the next 50 years or so.

But most scientists still agree that without 10 to 20 more years of thermometer, solar, atmospheric pollution, and volcanic observations it's difficult to pin anything down to 99% certainty.

Fortunately, we are now measuring energy output of the sun, eruptions of volcanoes, and pollution-generated activities, and can thus account better for their individual effects. Finally, in short, we are watching the other "suspects." Thus, as greenhouse gases continue to build up in the future, if greenhouse warming does not take place at roughly the predicted rate during the 1990s and into the next century, then it will be possible to argue on the basis of some direct evidence that the effect predicted by current models is off base. Personally, I'll be surprised if our global "best guess" estimates prove to be off by more than 50%.

Indeed, speculative theory is not the principal reason that advocates of concern over the prospect of global warming—and I am unabashedly one of them—stand before groups such as congressional committees and take their time with our concern. Rather, our concern is based on the validation exercises for models that we have built of the present and past climate, since they can also be used to foreshadow the future. In fact, many aspects of these models have already been validated to a considerable degree, although not to the full satisfaction of any responsible scientist.

For example, we know from observations of nature that the last ice age, which was about 5 degrees C (9 degrees F) colder on a global average than the present era, had CO_2 levels about 25% less than over thousands of years before the Industrial Revolution. Methane, another very potent greenhouse gas, also was lower by about half relative to preindustrial levels.

Ice in Antarctica contains gas bubbles that are records of the atmospheric composition going back over 160,000 years. Cores drilled into the ice sheets show us that the previous interglacial warm age, some 120,000–130,000 years ago, had temperatures and CO_2 and methane levels comparable to those in the present interglacial period.

The well correlated change in these greenhouse gases and in planetary temperature over geological epochs is an empirical way to estimate the sensitivity of climate to greenhouse gas concentration changes. Such studies find geological-scale temperature changes from greenhouse gas variations roughly of the magnitude that one would expect based on projections from today's generation of computer models (Lorius et al 1990). However, we still cannot assert that this hydrocarbon gas/geological temperature coincidence is proof that our models are quantitatively correct, since other factors were operating during the ice age-interglacial cycles. The best we can say is that the evidence is strong but circumstantial.

One related point to the ice age/interglacial cycles may be useful here. It typically takes tens of thousands of years to buildup ice age glaciers, but only about 10,000 years to deglaciate; and each warm "interglacial epoch" also lasts typically 10,000 years. Since our current interglacial is now about 10,000 years old, some have suggested that global warming is a "good thing" as it will hold back the next ice age. What this view ignores is that the time frame for natural interglacial to glacial transitions is tens of thousands of years, whereas the potential for global warming is 2–10°C warming in only a century or two—a radical rate of climatic change relative to most sustained, natural global climate changes in geological history.

WHAT IS HIGHLY SPECULATIVE?

Any prediction of what climatologists call the detailed regional distribution of climatic anomalies is highly speculative. That is, it's still tough to be confident in projecting where and when it will be wetter and drier, how many floods might occur in the spring in California, or forest fires in Wyoming or Siberia in August—although some plausible scenarios can be given. How much sea level will change is also speculative (e.g., see Schneider 1992), with most estimates ranging from 0 to 1 meter rise by 2100.

Ecological impacts: The potentially most serious consequence

Since the projection of time evolving, regional climatic changes is still very speculative, so too is any confident assessment of the agricultural, hydrological, ecological or health consequences of global warming. However, we can construct a variety of plausible specific scenarios of climatic changes over space and time and then ask: "So what?" (e.g., Pearman 1988, Smith and Tirpak 1988). Indeed, such exercises have led to conflicting assessments of the agricultural consequences (e.g., NAS 1991), but greater concern for the hydrological consequences (e.g., Waggoner 1990) and very serious concern for the ecological implications of most global warming scenarios (Peters and Lovejoy 1992). Table 1 from NAS 1991 illustrates this point. Let us examine the latter issue in more detail.

Figure 2 (Davis and Zabinski 1992) show how two different climatic model's estimates of climatic changes would change the distribution of sugar maple trees. The authors of this study noted that their estimates of changes in the ranges of this species did not account for the time it might take for the trees to migrate or the obstacles they might encounter in migration (e.g., farms, cities, freeways, acid precipitation, air pollutants, etc.). Indeed, as University of Minnesota ecologist Margaret Davis (1990) noted: "The fossil record shows that most forest trees were able to disperse rapidly enough to keep up with most of the climatic changes that took place in recent millennia. These changes were much more gradual than the climatic changes projected for the future. Even so, there were occasional periods of disequilibrium between plant distributions or abundances, soils, and climate that lasted a century or more. The most rapid dispersal rates known from the fossil record, however, are an order of magnitude too slow to keep up with the temperature rise expected in the coming century."

Figure 3 from University of Michigan ecologist Terry Root, on the other hand, is for a species (the Eastern phoebe) of bird whose northern range limit has a very close association with mean minimum January temperature; but this winged animal could migrate very rapidly in response to climatic changes. On the other hand, Root, who studied the associations among over a hundred birds and environmental factors such as temperature or vegetation, discovered that many species of birds associate with *both* temperature and vegetation (Root 1988a, b). She further noted (Root 1992) that those birds which are physiologically constrained by low temperatures alone could migrate north when it warms, but those which are also restricted by habitat (e.g., vegetation patterns) may have to wait centuries for their required vegetation to migrate before they could shift. In the interim, then, what is likely to occur is a "tearing apart" of the structure of ecological communities, alteration of predator-prey interactions and the potential for "ecological chaos" during the few centuries of time it will take for climate to warm from a few up to 10°C and for the various individual species to respond. Such disruption to "natural balances" would likely enhance the probability of extinction, especially for the many species which have limited habitat ranges and are strongly associated with climatic variables.

It is already a formidable scientific challenge to try to explain the range limits and abundances of most species today, even though they have had thousands of years of very stable climate to adapt to. Therefore, to predict the highly transient response to biological communities faced with sustained global climatic changes at 10 to 100 times faster rates than natural rates of climatic change over the past 15,000 years is speculative at best! However, we do have some knowledge, as previously indicated, of what factors can affect individual species and

roughly how rapidly they can respond to various disturbances. Therefore, statements such as "disruptions of ecosystems," "tearing apart of communities of species" or even "ecological chaos" are plausible "forecasts" should global warming materialize at typically projected rates of 1–5°C over the next 100 years.

Other aspects of the global warming issue that are highly speculative are the overall social or economic consequences of typical warming scenarios or the costs of actions to mitigate CO_2, CH_4, N_2O or CFC emissions or whether to use technological schemes to offset warming (i.e., so called "geoengineering"—see NAS 1991 from which Table 2 is taken).

Although climatic models are far from fully verified for future simulations, the seasonal and paleoclimatic (dealing with remote ages) validation exercises modelers perform are strong evidence that state-of-the-art climatic models already have considerable forecast skill. And, uncertainties are as likely to render current "best guesses" underestimates as overestimates.

An awareness of just what simulation models are and what they can and can't do is probably the best we can ask of the public, journalists, and political leaders. Then the tough policy problem is how to apply society's values in choosing to deal with the future given the wide range of possible outcomes that climatic models project.

IS IT TOO EXPENSIVE TO ACT NOW?

The final, and perhaps most important, criticism made against those proposing action to slow global warming is that the immediate policy steps to cut out CO_2 emissions are too expensive. For example, some newspaper ads by greenhouse critics suggest that if CO_2 emissions are cut the US will be bankrupt and the third world impoverished.

There is substantial third-world opposition to the prospect that developing countries may not be able to have their own industrial revolutions as the developed countries did in the Victorian period when those then-developing Western countries used unregulated amounts of cheap and dirty coal to foster their industrial growth.

Some now-developing countries, notably India and China, have abundant coal supplies. They would like to repeat Western history and use them as low-cost routes to industrialization. Of course, these countries in the 1990s have between them 2 billion people whereas the entire world didn't have 2 billion people in Victorian times. So the magnitude of the global impact of now-developing countries' use of coal—if they should use coal to produce even a quarter of the West's current industrial standard of living—would be greater than that of developing Western nations in the past. Needless to say, such arguments are not greeted sympathetically in China or India.

CAN CO_2 BE CUT 20%?

It is sensible, I believe, to argue that now-developing countries need not repeat the experience of Victorian industrialization with smog-choked cities, acid rain, and inefficient power production, given that modern technology has many better solutions. For example, electrical power generation efficiency today is near 50%, whereas it was half that at the turn of the century. Unfortunately, developing countries typically respond that high-technology, efficient power production is initially more expensive than the traditional options that are cheaper and more available to them. This dilemma sets up the obvious need for a bargain by which developed countries with technology and capital help to provide those resources to developing countries, which in turn develop their industries with the lowest polluting, most efficient technologies, even if they cost more cash up front.

There have been international efforts afoot to have each nation on earth commit itself to try to decrease its CO_2 emissions by, say, 20% by the year 2000. This has been strongly opposed by the United States, as well as some other countries. The Japanese were initially unhappy since they're already about twice as energy efficient as the U.S. They claimed it would cost them much more to cut their CO_2 emissions by 20% than the U.S., whose relative inefficiency gives it more opportunity to cut cheaply. Nonetheless, the Japanese have recently endorsed CO_2 emission limits in the context of the United Nations Conference on Environment and Development.

Developing countries, being even less energy efficient than the U.S., could, with modest investments, produce vastly less growth in carbon dioxide (the principal greenhouse gas) pollution if efficient, modern technologies were used rather than the older, cheaper, and readily available technologies, such as low-efficiency coal burning in China or India. The modern technologies that could be tapped by industrializing nations range from fluid-bed coal burning, nuclear, hydro, geothermal, natural gas, wind, biomass, solar, and possibly, in the very long term, fusion power. This circumstance sets up the possibility for creative international management that might not only eliminate third-world opposition to global emissions reductions but also get them to compete with each other to be the venue for future emissions limitations funded by developed countries. A developed nation could buy itself out of its 20% cut requirement by funding even larger CO_2 reductions in energy inefficient developing nations.

Critics of emissions reductions cite the supposed annual cost of 20% CO_2 reduction at tens of billions of dollars. But they often neglect the benefits of emissions reductions: reduced magnitude of global warming, reduced acid rain, reduced urban air pollution, reduced balance-of-payments deficits, and lower long-term operating costs of manufactured products, enhancing competitiveness. Such critics simply cite the potential upfront capital costs of CO_2 controls, write newspaper stories about how many billions each year or trillions over a century it's going to cost, and scare people away from anti-pollution action.

Some studies have suggested that carbon taxes to promote switching to less polluting energy systems could cost the U.S. "$800 billion, under optimistic scenarios of available fuel substitutes and increasing energy efficiency, to $3.6 trillion under pessimistic scenarios . . . to [the year] 2100." This quote from the February 1990 "Economic Report of the President" to Congress was based on the initial results of the first wave of economic model simulations.

Because of the controversy associated with such models, the National Academy of Sciences ran a debate among several economic forecasters and their critics. What came out was very revealing. First, over 110 years (i.e., 1990–2100) even a trillion dollars in accumulated CO_2 reduction costs, which sounds very expensive, is less than $10 billion each year—only a few percent of the annual US defense budget. Moreover, Robert Williams, an energy technology specialist from Princeton University, pointed out that the so-called "optimistic scenario" of $800 billion in costs to cut CO_2 emissions was based on very pessimistic assumptions about the rapidly decreasing costs of renewable energy systems like solar, wind, or biomass power.

Furthermore, with the exception of one heroic effort by Yale University economist William Nordhaus, the economists' simulations usually do not even attempt to estimate what direct environmental benefits America (or the world) gets for its supposed trillion-dollar investment in CO_2 emission controls. It is unconscionable that some critics of global warming action could cite these already very dubious economic models' cost estimates without so much as a word on the potential benefits of slowing CO_2 emissions. Nordhaus, on the other hand, by balancing costs and benefits in his model runs, argued that cutting annual CO_2 emissions by as little as 10% or as much as 47% would actually produce benefits greater than the costs. However, his model, too, is admittedly crude, laden with unprovable assumptions, and simply can't by itself provide quantitatively reliable information upon which to base policy choices.

Finally, cross-examination of the economists by National Academy committee members disclosed that their economic models had not even been tested to see how well they performed in predicting the economic consequences of historical events like the 1973 OPEC oil price hike. As a participant at that debate, I was concerned that such validation tests were yet to be performed, and dismayed that some global warming critics were actually citing these premature economic model results for costs of emission controls without weighing in benefits of such controls as an alleged rational basis for national policymaking.

Let us pursue the economic modeling issue a bit further. When only the supposed costs to the economy (typically measured as GNP loss from a hypothetical carbon tax—e.g., see Figure 4 from Nordhaus 1992) are shown, seemingly staggering figures emerge. The costs can be seen, for one econometric model used by Nordhaus (1992), to run into the trillions by 2105 (i.e., note black squares on Figure 5 which result from carbon taxes on Figure 4 imposed on Nordhaus's econometric model). The benefit of this "20% cut", Nordhaus calculates (see "+" symbols on Figure 6) are a 30% reduction in global warming by 2105, only "worth" a percent or so of GNP by Nordhaus' assumptions—since he assumes the primary negative economic consequence of warming to be an agricultural/water supply loss of up to 1% of GNP in the US (about $40 billion per year). He puts no value on the potential for catastrophic effects on ecosystems or the security implications of long term, very large climatic changes (perhaps up to 10°C in the 22nd century). Effects such as the tearing apart of communities of species or the impacts on the political stability of South Asia were tropical cyclone intensities to increase are not explicitly considered. But, to his credit, Nordhaus makes explicit in Figure 7 his underlying economic growth assumptions that drive his conclusions. This figure shows per capita consumption growing in all scenarios (his modest "optimal" scenario, the "uncontrolled" or business as usual scenario and the often labeled "draconian" scenario in which the carbon tax of Figure 4 leads to the equivalent of a 20% emissions cut). In fact, as Figure 7 shows, there is more than a 450% growth in per capita consumption from 1965 to 2105 in all his scenarios, and even the "draconian" 20% cut carbon tax scenario

still allows 450% growth over this time period! In the value system of this analyst it is unconscionable to risk unabated, unpredictably rapid rates of climate change with potentially serious risks to agricultural, hydrological and (especially) ecological systems of the earth merely because it will reduce our per capita growth in consumption from some 460% to "only" 450%! To show Figure 5 with trillions of dollars of potential costs from carbon taxes without also looking at Figure 7 is to have no balanced perspective on the economics *and* ethics of measures which could mitigate CO_2 emissions.

In any event, while it is possible to use analytic methods and simulation models to investigate costs and benefits of different specific climate change or emission scenarios, these tools are even less well validated for long-term studies than climatic models and also do not include many significant factors the authors usually acknowledge. It is the opinion of this analyst that all physical, biological or economic analytic methods are primarily useful to help a decision maker to obtain a more complete knowledge of the potential benefits or risks of various alternative actions, so as to aid him or her in formulating a heuristic judgment that incorporates what is quantifiable with aspects that are not (e.g., the "value" of a species facing extinction). It is a gross misunderstanding of analytic methods, be they climatic, ecological or economic, to believe they provide the sole bases for arriving at "the answer" on either the effects, consequences or mitigation aspects of global change.

CLIMATIC INSURANCE

The global warming debate then is both science and politics. But it is essential for the public to understand that there are vastly greater disagreements over what to *do* about the prospect of global warming (i.e., a political value issue) than over the probability (i.e., a scientific debate) that unprecedented climate change is being built into the 21st-century climate. Estimates of climatic effects range from mildly beneficial (i.e., longer growing seasons) to highly catastrophic (i.e., more super hurricanes or mass extinctions). These uncertain impacts reflect the wide range of climate futures forecast by most assessment groups, such as those seen on Figure 1. Although accelerated research will undoubtedly bring more reliable answers sooner, thereby helping to place decision making on a firmer factual basis; this analyst does not believe it likely that any feasible level of research effort will pin down the detailed consequences of our continuing greenhouse gas emissions in less than a few decades—the time it will take the climate system itself to answer the question.

Slowing down the buildup rate of the greenhouse gases that threaten unprecedented global warming does not require economically catastrophic measures, nor must it bankrupt industrial nations or doom the poor countries to increasing poverty. Rather, prudent investments in energy-efficient equipment, houses, and power plants combined with sensible reforestation and population control programs, can both reduce the buildup rate of greenhouse gases and pay their own way. It is ludicrous simply to charge that greenhouse gas emission cuts are too costly without weighing in the economic, environmental, and strategic benefits of such investments. No individual or business ever got a return investment without making the investment first. That applies as well to societies and governments—the level at which global change problems occur and must be addressed.

Every insurance policy has a premium, of course. But these environmental investments not only buy "insurance" against the possibility of unprecedented, possibly dire, climatic change but also can pay large dividends in the form of lowered energy costs, lower balance-of-trade payments deficits, less local air pollution, and lowered acid rain. Therefore, such strategies make sense, even if global warming turns out to be as insignificant as the critics assert. In any case, since mild climatic effects are as probable as catastrophic ones, and since it will take many decades to resolve major uncertainties, we can take the most cost-effective steps now and then turn up or down the pressure to mitigate as new national and international scientific assessments report the latest findings of the scientific community every few years over the next several decades.

But if the warming turns out as bad as or worse than most current "best guess" projections, such climate insurance will have been very wise indeed. An insurance policy that pays big dividends on the premium even if the catastrophe never materializes, it seems to me, is the most rational response to the coin-flipping probabilities of unprecedented climate change and attendant ecological disarray that most knowledgeable scientists agree we are facing as we enter the next millennium. None of the noisy polemics of the past ten years has changed that basic consensus.

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TABLE 1.—THE SENSITIVITY AND ADAPTABILITY OF HUMAN ACTIVITIES AND NATURE

	Low sensitivity	Sensitive, but adaptation at some cost	Sensitive adaptation problematic
Industry and energy	X	.....	.....
Health	X	.....	.....
Farming	.....	X	.....
Managed forests and grasslands	.....	X	.....
Water resources	.....	X	.....
Tourism and recreation	.....	X	.....
Settlements and coastal structures	.....	X	.....
Human migration	.....	X	.....
Political tranquility	.....	X	.....
Natural landscapes	.....	.....	X
Marine ecosystems	.....	.....	X

Note.—Sensitivity can be defined as the degree of change in the subject for each "unit" of change in climate. The impact (sensitivity times climate change) will thus be positive or negative depending on the direction of climate change. Many things can change sensitivity, including intentional adaptations and natural and social surprises, and so classifications might shift over time. For the gradual changes assumed in this study, the panel believes these classifications are justified for the United States and similar nations.

Source: Chapter 5 of the report of the Adaptation Panel.

TABLE 2.—COST-EFFECTIVENESS ORDERING OF GEOENGINEERING MITIGATION OPTIONS

Mitigation option	Net implementation cost	Potential emission mitigation (t CO_2 equivalent per year)
Low stratospheric soot	Low	8,000,000,000 to 25,000,000,000.
Low stratospheric dust, aircraft delivery.	do	8,000,000,000 to 80,000,000,000.
Stratospheric dust (guns or balloon lift).	do	4,000,000,000,000 or amount desired.
Cloud stimulated by provision of cloud condensation nuclei.	do	Do.
Stimulation of ocean biomass with iron.	Low to moderate	7,000,000,000 or amount desired.
Stratospheric bubbles (multiple balloons).	do	4,000,000,000,000 or amount desired.
Space mirrors	do	Do.
Atmospheric CFC removal	Unknown	Unknown.

Note.—The feasibility and possible side-effects of these geoengineering options are poorly understood. Their possible effects on the climate system and its chemistry need considerably more study and research. They should not be implemented without careful assessment of their direct and indirect consequences.

Cost-effectiveness estimates are categorized as either savings (for less than 0), low (0 to \$9/t CO_2 equivalent), moderate (\$10 to \$99/t CO_2 equivalent), or high (>\$100/t CO_2 equivalent). Potential emission savings (which in some cases include not only the annual emissions, but also changes in atmospheric concentrations already in the atmosphere—stock)—for the geoengineering options are also shown. These options do not reduce the flow of emissions into the atmosphere but rather alter the amount of warming resulting from those emissions. Mitigation options are placed in order of cost-effectiveness.

The CO_2-equivalent reductions are determined by calculating the equivalent reduction in radiative forcing.

Here and throughout this report, tons are metric.

Source: Chapter 11 of the report of the Mitigation Panel.

APPENDIX A

[From the Detroit News, Dec. 5, 1989]

REBUTTAL: NEWS PLAYS FAST AND LOOSE WITH THE FACTS

Playing "fast and loose not only with the truth, but with the public psyche" is a serious offense for any person in a position of public trust, but especially so for a scientist, someone honor-bound to seek truth. Nevertheless, that is precisely what The Detroit News accused me of in the Nov. 22 editorial "Loads of Media Coverage."

Most News readers would assume that such a serious attack on the integrity of a scientist would be based on exhaustive research to back up the charges. What The News offers instead is an out-of-context quote attributed to me from a secondary source (interview with Discover magazine) and a false statement of my views from the early 1970s, in which I purportedly was "among those actively warning of a returning ice age. He used many of the same arguments he now uses to support his thesis that the earth is heating up. Cold, hot, who cares?"

No source is given for the latter assertion of my supposed views.

What were my views in the 1970s? I opposed those arguing that a new ice age was imminent, and instead argued forcibly in my first book, *The Genesis Strategy*, that society needed to be prepared to deal with climatic variability in both directions, I called it the "genesis strategy" after Joseph's advice to the Pharaoh to store grain in the seven fat years for the seven lean years. Thus, The News premise of my "hot or cold, who cares" is blatantly false.

Since The News devoted several column inches in its editorial to partially quote what Discover magazine reported I had said, The News must feel this is important. Therefore, let me set the record straight by quoting the entire paragraph from Discover, since what The News left out (in italics below) seriously misrepresents the totality of my views:

"On the one hand, as scientists we are ethically bound to the scientific method, *in effect promising to tell the truth, the whole truth, and nothing but—which means that we must include all the doubts, the caveats, the ifs, ands and buts.* On the other hand, we are not just scientists but human beings as well. *And like most people we'd like to see the world a better place, which in this context translates into our working to reduce the risk of potentially disastrous climatic change.* To do that we need to get some broad based support, to capture the public's imagination. That, of course, means getting loads of media coverage. So we have to offer up scary scenarios, make simplified, dramatic statements, and make little mention of any doubts we might have. *This 'double ethical bind' we frequently find ourselves in cannot be solved by any formula.* Each of us has to decide what the right balance is between being effective and being honest. *I hope that means being both.*"

It is strange that The News should accuse me of trying to hide scientific uncertainty through this quote, when by the very nature of explaining the dilemma I am being unusually forthright in trying to show how all scientists face a bind when forced to communicate in short sound bites in the media what the essence of a controversial complex problem is.

It is hard to imagine how this constitutes hiding the truth when it's plainly stated. Obviously, the absence of the last sentence of the Discover magazine quote in the editorial totally misrepresents my views. Ironically, The Detroit News quoted me as the "good guy" several years ago in an editorial on "Nuclear Autumn" (June 30, 1986), a term I coined in toning down the nuclear winter debate.

In that editorial, Carl Sagan was portrayed by The News as the evil overstater, and Starley Thompson and I, the wise and circumspect cautious scientists. I never have, and still do not believe or say that ends justify the means or that truth should be abandoned for a good cause—and what cause is more compelling than making nuclear war and its horrors more publicly known?

What I mean by the "double ethical bind" was not *even represented* in the Discover quote, which only provided a partial snapshot of my views. The "bind" that scientists face is that it is impossible to expect a complicated issue to be fully elaborated on in the public and popular media and thus a scientist who tries to explain to non-specialists the nature of controversial science, particularly that with policy implications, has to find a means to communicate effectively and honestly. To me that means using familiar metaphors.

For example, I use the metaphor of loaded dice to illustrate why we couldn't attribute the very hot summer of 1988 to a century of greenhouse gas buildups in the atmosphere: That is, even if there were certain evidence of global warming this century (which I have never claimed), one year tells us nothing concrete about long-term trends.

The problem with secondary sources is that they often do not represent one's totality of views. The Discover quote did not present the context of the double ethical bind as described in my writings. Let me show what I really believe by quoting from a reliable source of my views, my own recent book, *Global Warming* (which, ironically, The Detroit News cited in its editorial but apparently never read). "There is no simple formula for resolving the dilemma of balancing effectiveness against full disclosure, for one scientist's clear simplification could well be another's irresponsible oversimplification. Each tries to find the best path across this treacherous ethical ground."

Finally, contrary to the impression in the editorial, the vast majority of atmospheric *researchers* are in agreement that substantial, even unprecedented, climatic changes are quite possible in the next century. This has been affirmed and re-affirmed by some half dozen U.S. National Academy of Sciences studies, as well as by a comparable number of studies by Canadians, Australians and United Nations groups.

For The Detroit News to cite a few recent anti-global warming articles that have yet to be published in strictly referred climatological journals and not to mention the many consensus statements made by responsible scientific assessment bodies such as the National Academy of Sciences is, frankly, sloppy at best and irresponsible journalism at worst. And by the way, all those studies, as in all my public statements or writings, are clear that many uncertainties remain over the timing, magnitude and detailed consequences of the unprecedented buildup of greenhouse gases.

Unfortunately, the only definitive proof of the detailed nature of future climatic change is to perform the experiment on the only "laboratory" we have; the earth itself. In my value system that is not a wise gamble, given the many steps that could be taken to slow down the rate of greenhouse pollution.

STEPHEN H. SCHNEIDER,
Head, Interdisciplinary Climate Systems, National Center for Atmospheric Research, Boulder, Colo.

[From the Detroit News, Nov. 22, 1989]

"LOADS OF MEDIA COVERAGE"

"On the one hand, as scientists we are ethically bound to the scientific method. . . . On the other hand, we are not just scientists but human beings as well. . . . To avert the risk (of potentially disastrous climate change) we need to get some broad based support, to capture the public imagination. That of course means getting loads of media coverage. So we have to offer up some scary scenarios, make simplified dramatic statements and little mention of any doubts one might have. . . . Each of us has to decide what the right balance is between being effective, and being honest."—Stephen H. Schneider, author of the book *Global Warming* (Sierra Club), in an interview in Discover Magazine, October 1989.

The next time you hear about some scary environmental horror on the nightly news, keep that quote in mind. It goes far to explain the debasement of American environmental science into cheap political theater. Apparently "being honest" is no longer the test of a good scientist. It must be "balanced" with "being effective."

Stephen Schneider is a government-funded climatologist who has become the lion of Capitol Hill. He is invited to most conferences and congressional hearings on the subject of global warming, and he does indeed receive "loads of media coverage" in stories about climate change. In his book he warns that the earth is heating up, creating a greenhouse effect of catastrophic proportions.

Yet two decades ago, Mr. Schneider was among those actively warning of a returning Ice Age. He used many of the same arguments he now uses to support his thesis that the earth is heating up. Cold, hot, who cares? Environmental extremists often seem more interested in scaring the bejabbers out of the American public than in getting at the real facts.

A growing body of research suggests that global warming may soon go the way of glob-

al cooling. Massachusetts Institute of Technology researchers Reginald Newell, Jane Hsiung and Wu Zhongxiang, have conducted a survey of the world's ocean temperature data since the mid-19th century. Their conclusion in the latest issue of Technology Review: "One of the most striking results suggested by the data is that there appears to have been little or no global warming over the past century."

The MIT study confirms the major 1988 study of the U.S. land-based record since 1893 by the National Oceanographic and Atmospheric Administration released last January. That showed their has been no warming trend in the 48 contiguous states in 100 years.

Serious climatologists, as opposed to the environmental fanatics who are given prominent play in newspapers and on television, are not surprised. As Andrew Solow of Woods Hole Oceanographic Institute told The News last summer, "based on what we know now, there is absolutely no hard evidence that the enhanced greenhouse effect has arrived." Mr. Solow represents the consensus of the 61 leading climatologists who make up the respected International Climate Trends Panel.

How then have we been sold such a bill of goods? One of the reasons is there are few scientists like Mr. Schneider prepared to play fast and loose not only with the truth but with the public psyche. He knows that the media's basic grist is fear and calamity. What is troubling is that Mr. Schneider is completely funded by your taxpayer dollars through the National Science Foundation which underwrites the National Center For Atmospheric Research in Boulder, Colo.

It's time for Congress to take a hard look at the manner in which those taxpayer dollars are being used. It's also time for the media to take a hard look at the sources for some of its more lurid stories about the environment.

The media is quick to suspect scientific bias when research is underwritten by corporations. It should be equally suspicious of science underwritten by government bureaucrats and scientists with a vested interests in a certain outcome.

If the scientific community isn't armed with a better moral compass than Mr. Schneider, it will soon find its credibility in serious trouble. Then, like the little boy who cried wolf too often, nobody will pay attention when a really scary scenario arrives on our doorsteps.

APPENDIX B

[From Science, Feb. 7, 1992]

POLLUTANT HAZE COOLS THE GREENHOUSE

(By Richard A. Kerr)

Individually, they are as small and invisible as viruses, and quite impotent. En masse they are another matter. The haze particles that blanket the eastern United States, Europe, and much of Asia carry acids that corrode statuary, poison lakes, and blight forests. And, based on a growing body of research, an international panel of experts has just concluded that hazes are probably having another effect on the environment—cooling it. Earth's protective umbrella of hazes may have reflected enough solar energy back into space, the United Nations' Intergovernmental Panel on Climate Change (IPCC) concluded last month, to counteract much of the warming caused so far by greenhouse gases.

But don't look for an easy way out of global warming. The cooling effects of manmade aerosols "are helping us understand why the climate isn't warning as much as the models call for," says climate modeler Michael MacCracken of Lawrence Livermore National Laboratory, but hazy skies won't hold back the warming indefinitely, MacCracken and other researchers say. "My belief is that, even in the most extreme case, the greenhouse gases will win out," says atmospheric chemist Robert Charlson of the University of Washington.

Atmospheric particles are reemerging as major players in climate after more than a decade in eclipse. Back in the early 1970s, the talk among climate experts was of global cooling, not warming. The global temperature had been falling since about 1940, and the prospect of another ice age was all the rage. Researchers in search of a likely cooling mechanism recalled Ben Franklin's proposed explanation for the unusual chill of 1783–84. Franklin blamed a persistent "dry fog" that hung over Europe that winter—debris, he thought, from the huge eruption of the Icelandic volcano Lakagigar.

The particles that were worrying climate experts in the 1970s were coming from the "human volcano"—the smokestacks, tailpipes, tilled fields, and burning forests that mark civilization. Studies of air pollution had shown that while air at the cleanest, most remote points in the world such as the South Pole might have 10 to 100 aerosol particles per cubic centimeter, on a bad day in Los Angeles more than 10,000 particles could be found. And researchers knew that the most persistent haze particles—those a few tenths of a micrometer in diameter—were also the best at scattering light back into space.

But little more than that was known about the global distribution or the optical properties of these aerosols—the key elements in establishing them as a factor in climate change. In fact, researchers even began to doubt whether aerosols really would have a net cooling effect. Many specialists came to assume that aerosols from human activities, such as transportation and industry, were darkened by so much soot and grime that they absorbed at least as much sunlight as they reflected back to space, yielding no cooling—or even a warming. Then, in the midst of all those uncertainties, the global temperature started to rise again, and greenhouse warming displaced aerosol cooling as the topic of the day. "There does seem to be a correlation [of scientists' concerns] with which way the global temperature is going," notes climate expert James Hansen of NASA's Goodard Institute for Space Studies.

But even though the temperature has continued to rise, global cooling by aerosols is back in vogue, at least as an adjunct to greenhouse warming. It might have made a comeback sooner if communication among atmospheric scientists had been better, says Charlson. "All the pieces have been available to us for at least a decade," he says. "What was missing was an integrated approach." By the early 1980s, for example, researchers studying eastern North America had concluded that aerosols there were dominated by bright sulfuric acid droplets, formed from sulfur emissions from industry. The researchers went on to calculate that aerosols over the Eastern Seabord were cutting out a whopping 7% of sunlight. But such regional findings were slow to affect the thinking of researchers who were studying global effects. "I'm just as guilty as anybody for not making the connection," says Charlson.

Quick to get over his guilt, Charlson joined with Swedish colleagues to make the best estimate yet of how sulfur pollution is affecting global temperature. They started with a computer model that simulates the fate of sulfur emitted as sulfur dioxide: its oxidation to sulfuric acid droplets, their distribution by the winds, and their eventual removal through precipitation and settling. Given the resulting density and distribution of the sulfate aerosols, the group calculated how much of the sun's 340 watts of radiation per square meter is being reflected back to outer space.

The model's answer, published last year in the Swedish journal Tellus, was 0.6 watt per square meter, with a factor of 2 uncertainty. That cooling effect may sound piddling, but it approaches the radiative energy trapped by all the carbon dioxide added to the atmosphere since pre-industrial times and half that trapped by all added greenhouse gases combined. According to this calculation, in other words, shading by the sulfate haze could be counteracting almost half of the global temperature increase that might otherwise have resulted.

And that's just part of the haze's impact on climate. An additional, indirect effect of aerosols became obvious during the 1980s from theoretical calculations and field studies. Aerosols from a source as small as a ship's smokestack can stricken and brighten the clouds overhead. The sulfate particles serve as centers for condensation of water, increasing the number of droplets in a cloud and thus increasing the surface area capable of scattering sunlight back to space.

Calculating the indirect cooling effect of pollution-brightened clouds is an even more uncertain business than estimating the direct effects of aerosols, so Charlson and colleagues did not include it in their model. But he and a half-dozen colleagues in a variety of fields attempted an estimate of its global impact in a recent paper in Science (24 January, p. 423). They concluded that aerosols' indirect effect through clouds could be roughly comparable to their direct effect. All told, then, the cooling due to manmade aerosols could conceivably equal—and thus largely cancel—the global warming by greenhouse gases, according to the calculations by Charlson and company.

Those theoretical calculations were enough to convince the UN's IPCC that sulfur emissions may have offset at least part of the greenhouse warming in recent decades. And though direct evidence is scarce, the greenhouse models may offer some corroboration: A countervailing cooling would help explain why the globe has so far warmed only half a much as the models—which don't take aerosols into account—have predicted. Then again, the models might simply be more sensitive than the real world to greenhouse gas.

The distribution of temperature change in recent decades also hints at a role for aerosols. Climatologist Tom Wigley of the University of East Anglia has compared the temperature trend in the hazy, industrial Northern Hemisphere with that in the relatively clean Southern Hemisphere. "If you're a believer," he says, you can see the Northern Hemisphere warming more slowly than models predict. But the differences, he points out, may simply reflect natural climate variation. And then there's the peculiar pattern of the Northern Hemisphere warming. Other workers have found that average nighttime temperatures have increased more than daytime temperatures, which is consistent with the theory that aerosols are moderating the warming trend by reflecting sunlight (see box).

Even if aerosols are giving the world a breather from a growing greenhouse effect,

the long-term prognosis hasn't brightened much. In the long run, aerosols should lose out to the greenhouse effect, in part because they are so short-lived. Atmospheric carbon dioxide takes decades to a century to respond to changed inputs, while aerosols adjust in a week or two, so that at constant emission levels, carbon dioxide tends to build up, while aerosol concentrations stay constant. And efforts already under way to ameliorate the environmental damage caused by aerosols by reducing sulfur emissions would unleash even more warming.

What's more, the sulfate hazes are geographically spotty. Even if they could provide long-term cooling, greenhouse warming would go on apace in the Southern Hemisphere. And in northern latitudes the aerosol sunshade would be riddled with holes, producing uneven heating that might alter weather patterns, with disastrous results. All in all, the human volcano seems unlikely to shake its deserved reputation as an environmental villain.

[From Science, Feb. 7, 1992]

HOT NIGHT IN THE GREENHOUSE

Something strange is going on in the night. Greenhouse warming, according to the climate models, should be reflected nearly equally in daytime and nighttime temperatures. But that's not what researchers, led by Thomas Karl of the National Climatic Data Center in Asheville, North Carolina, found in records from the past 40 years.

Curiously, much of the warming in the regions they studied has come during the night. Something not accounted for in the greenhouse models—perhaps daytime cooling because of pollution haze (see main text)—seems to be skewing climate change. But whatever the cause, predicting the effects of future climate change on living things will be far more difficult if the trend continues.

Karl and colleagues in the United States, the former Soviet Union, and the People's Republic of China found the odd imbalance by screening reports of minimum (mostly nighttime) and maximum (mostly daytime) temperatures from the three countries, which cover 25% of the globe's land area. As they reported in the December Geophysical Research Letters, the group found that during the past 40 years, average annual maximum temperatures in all three countries remain unchanged or rose only slight. But minimum temperatures rose significantly.

Aerosol particles formed from the sulfur emitted by industry (see main story) might be part of the cause, says Karl. During the day they should reflect solar energy back into space, holding the greenhouse warming in check, but they have no effect at night when greenhouse gases continue to trap heat. But Karl doesn't think that's the whole story, at least in the United States. Sulfur emissions in the United States have decreased since 1970, he notes, but the daytime warming is still lagging behind the nighttime temperature increases. The continuing imbalance, he says, might reflect the observed increase in U.S. cloudiness over the same time, which in turn may have stemmed from natural variability or—by some feedback mechanism—from the warming climate itself.

Uncertainty about the cause of the nocturnal heating makes it hard to say whether it will continue. If it does, suggests climatologist Patrick Michaels of the University of Virginia, human society and the natural world will be getting a good deal. Compared to daytime warming, the trend would mean longer growing seasons but fewer droughts, less skin cancer (if cloudiness continues to increase), and a smaller sea level rise (because most polar ice melting occurs during the day).

Other researchers are not so snaguine. Karl notes that the heat wave that killed nearly 300 people in St. Louis in 1966 was so bad in part because it remained oppressively warm at night. And ecologist Herman Shugart of the University of Virginia worries that warmer nights might give an edge to insect pests while placing greater demands on plants' nocturnal energy consumption. Karl sums it up: Until a lot more research is done, "it's pretty hard to say whether this is a godsend or a curse."

EXHIBIT 3

BUSINESS COUNCIL FOR A SUSTAINABLE ENERGY FUTURE,
Washington, DC, May 6, 1992.

Hon. GEORGE BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to urge you to announce a U.S. goal for limiting the nation's emissions of carbon dioxide and other greenhouse gases not covered under the Montreal Protocol. We believe that the compromise treaty language now being discussed at the United Nations in New York is a first step toward stronger efforts to limit greenhouse gas emissions.

Global warming is now a real threat to the future of the world economy and to future generations. We cannot afford for the United States, the largest greenhouse gas producer, to lag behind other industrial nations in addressing this problem. Meaningful steps to limit carbon dioxide emissions will enable the United States to lead in shaping a new world order that includes a healthier global economy and environment.

As leaders of companies concerned about the impact of U.S. energy policy on the environment and on U.S. competitiveness, we have come to the conclusion that the U.S. can achieve substantial reductions in its carbon dioxide emissions with existing technologies by relying on market-based policies. Just as the United States led in the development and distribution of oil technology, we must once again become the leader in clean, sustainable, 21st century technologies.

U.S. industry has steadily reduced its emissions of carbon dioxide per unit of output during the past two decades, and can do even better in the years ahead. We believe that the shift to a more sustainable energy economy is now inevitable, and that the United States must move quickly to avoid missing one of the biggest investment opportunities in history. The three strategies that can help us stabilize the climate, reduce oil imports, and improve economic competitiveness are: improved energy efficiency; increased reliance on natural gas; and accelerated use of renewable energy resources.

As industry leaders, we plan to invest in cost-effective technology that will improve energy efficiency and minimize pollution, including carbon dioxide emissions. We will also work to build partnerships with state governments, non-government organizations, and the public to achieve environmental goals. However, we need to have your cooperation to be successful. We ask you to join us, demonstrating the kind of leadership you showed in introducing clean air legislation during your first year in office.

As you said in your National Energy Strategy announcement last year, improved energy efficiency is our cheapest and least environmentally damaging domestic energy resource. We already have the insulation, lighting, heating, air conditioning, variable speed motor controls, and other technologies to greatly reduce U.S. energy use per unit of output. Similarly, we have the technologies to make automobiles and trucks far more efficient and less polluting. What we need is more aggressive federal research and development, government procurement of efficient technologies, and most importantly, market-based incentives for greater efficiency.

We also urge a major increase in the production and use of our cleanest fossil fuel—natural gas—which is already providing the country with more energy than domestic oil. Based on new resource estimates, we believe that the use of gas could be increased 50 percent during the next two decades, providing more energy for heating and cooling buildings, running power plants, and fueling automobiles. The private sector is ready to take the lead in using more natural gas, but we would like to see more federal research on technologies such as fuel cells and natural gas vehicles. This would not only help reduce pollution at relatively low cost, but will get more drilling rigs started in the southwest, boosting employment in that region.

Renewable energy technologies offer another abundant and increasingly economical domestic energy resource. Increased support for federal programs in solar (thermal, photovoltaic and passive), wind, biomass, and geothermal energy will help us harness the pollution-preventing, high-technology energy sources that our European and Japanese competitors are already pursuing aggressively. Renewable energy technologies have advanced to the point that they are being commercialized worldwide, but still face formidable market barriers in the United States. We urge you to respond to this challenge by launching an aggressive research and market development program, including federal incentives for renewable thermal and electric applications similar to those studied during the National Energy Strategy process. Such support can allow these new sources to provide a large share of the energy the country needs.

We believe that government and industry should adhere to two principles in devising a cost-effective sustainable energy strategy. First, all policy decisions must reflect the full-cycle economic and environmental costs and benefits of each technology. Second, we should rely on market-based incentives such as pollution taxes, feebate systems, or tradeable permits to achieve our objectives, avoiding where possible "command-and-control" regulation. We urge the Administration to examine options for offsetting taxes on carbon dioxide or other pollutants by reducing taxes on income, capital, or labor. This would help to internalize and ultimately reduce the environmental and national security costs associated with today's energy economy, while boosting incentives for capital formation and job creation.

We urge you to convene a working group of administration officials and industry, consumer, and environmental leaders, to report to you by the end of 1992 on how the above market-based policy options could best be incorporated into a cost-effective strategy for reducing U.S. carbon dioxide emissions.

A national strategy for stabilizing the climate by harnessing cleaner domestic energy sources could be a lasting legacy of your administration. Such a strategy would help reduce our dependence on imported oil, create jobs, and improve national competitiveness.

Equally important, it would provide leadership by example to other countries whose cooperation is essential in any long-term strategy to reduce the risks of global warming. In that respect, it could become the cornerstone of a truly sustainable new world order.

Respectfully yours,

Roger W. Sant, Chairman and CEO, The AES Corporation; Mervyn H. Siegel, President and CEO, Advanced Photovoltaic Systems Inc.; Steven K. Gorman, President, American Energy Technologies Inc.; Michael L.S. Bergey, President, Bergey Windpower.

Robert B. Catell, President and CEO, Brooklyn Union Gas Company; Walter J. Hesse, President, ENTECH Inc.; Robert A. Hefner III, Chairman, The GHK Company; Anthony J.F. O'Reilly, Chairman, President and CEO, H.J. Heinz Company; Irwin L. Gross, Chairman, ICC Technologies.

Harry R. Halloran, Jr., Chairman, Energy Unlimited Inc.; James A. Johnson, Chairman and CEO, Fannie Mae; Dean T. Langford, President, GTE Electrical Products Group, Michael R. Bonsignore, Executive Vice President and CEO, Honeywell Inc.; Theodore Blumenstock, Vice President, Business Development, Integrated Power Corporation.

Robert Lynette, President, R. Lynette & Associates Inc.; David Olsen, President, Peak Power Corporation; Charles T. Condy, Chairman, Proven Alternatives Inc.; Ben Bennett, Executive Vice President, Stirling Technology Company; Subhendu Guha, Vice President, Research & Technology, United Solar Systems Corporation.

David Blittersdorf, President, NRG Systems; Charles H. Percy, President, Charles Percy & Associates Inc.; Ed Smeloff, Chairman, Sacramento Municipal Utility District; S. Lynn Sutcliffe, President and CEO, SYCOM Enterprises; Kenneth C. Karas, President and CEO, Zond Systems Inc.

EXHIBIT 4

[Intergovernmental Negotiating Committee for a Framework Convention on Climate Change, Fifth session, second part, New York, 30 April–8 May 1992, Agenda item 3]

COMPLETION OF A FRAMEWORK CONVENTION ON CLIMATE CHANGE

WORKING PAPERS BY THE CHAIRMAN

Addendum 2

This addendum contains material relevant to Article 4.

Article 4

Commitments

(See former para. 1)

In accordance with the Objective and the Principles stated in Articles 2 and 3, and particularly in accordance with their common but differentiated responsibilities, taking into account their specific national and regional development priorities, objectives and circumstances:

(New)

1. All Parties commit themselves to:

(See former para. (a)).

(a) Develop, periodically update, publish and make available to the Conference of the Parties national inventories of emissions from sources and removal by sinks of all greenhouse gases not controlled by the Montreal Protocol, using comparable methodologies to be agreed upon by the Conference of the Parties;

(See former para. (b))

(b) Formulate, implement, publish, and regularly update national and, where appropriate, regional strategies and/or programmes containing measures to mitigate climate change by limiting their emissions of greenhouse gases not controlled by the Montreal Protocol and by enhancing sinks and reservoirs, and measures to facilitate adequate adaption to climate change;

(See former para. (c))

(c) Promote and cooperate in, and, as appropriate, adopt programmes related to the development, application and diffusion, including transfer, of technologies, practices and processes that reduce or eliminate greenhouse gas emissions in all sectors, particularly the energy, transport, industry, agriculture, forestry and waste management sectors;

(See former para. (d))

(d) Promote and cooperate in the conservation, sustainable management and enhancement, as appropriate, of all sinks and reservoirs of greenhouse gases, in particular biomass, forests and oceans;

(See former paras. (e) and (f))

(e) Cooperate in preparing for adaption to the impacts of climate change; develop and elaborate appropriate and integrated plans for coastal zone management, water resources and agriculture, as well as for the protection and rehabilitation of areas affected by drought and desertification;

(See former para. (g))

(f) Take climate change considerations into account, to the extent possible, in their relevant social, economic and environmental policies and actions and employ appropriate methods formulated and determined nationally, with a view to minimizing adverse effects on the economy, on public health and on the quality of the environment, of projects or measures undertaken by them to mitigate or adapt to climate change;

(See former para. (h))

(g) Promote and cooperate in scientific, technological, technical, socio-economic and other research, systematic observation and development of data archives related to the climate system and intended to further the understanding and to reduce and carry the remaining uncertainties regarding causes and effects of climate change and regarding the economic and social consequences of alternative response strategies;

(See former para. (f))

(h) Promote and cooperate in the full, open and timely exchange of relevant scientific, technological, technical, socio-economic and legal information related to the climate system and climate change, and to the economic and social consequences of alternative response strategies.

(See former para. (j))

(i) Promote and cooperate in education, training and public awareness related to climate change and encourage the widest participation in this process, including that of non-governmental organizations.

(See former para. (k))

(j) Develop and, as appropriate coordinate in order to avoid distortions in international trade, relevant economic and administrative instruments aimed at limiting net emissions of greenhouse gases;

(New)

(k) Make information available to the other Parties, through the Conference of the Parties, on the implementation of their obligations under the Convention.

(See former Article 4.2.3)

2. All Parties, particularly developed country Parties, commit themselves to take all practicable steps to promote, facilitate and finance, as appropriate, access to and the transfer of environmentally-sound technologies and know-how to other Parties, particularly developing country Parties, to enable them to comply with the provisions of the Convention. In this process, the developed country Parties should enhance and support the endogenous capacities and technologies of developing country Parties.

(New)[1]

3. The Parties listed in Annex * * * commit themselves specifically as follows:

(a) Each developed country Party included in Annex—shall adopt national[2] policies and take corresponding measures on the mitigation of climate change, by limiting anthropogenic emissions of greenhouse gases and protecting and enhancing greenhouse gas sinks and reservoirs. These policies and measures will recognize that the return by the end of the decade to earlier levels of anthropogenic emissions of carbon dioxide and other greenhouse gases not covered by the Montreal Protocol[3] would be an appropriate signal by developed countries that longer-term emission trends have been modified consistent with the Objective of this Convention, taking into account the differences in these Parties' starting points and approaches, economic structures and resource bases, the need to maintain strong and sustainable economic growth, and other individual circumstances, as well as the need for equitable and appropriate contributions to the global effort regarding that Objective as among these Parties;

(b) In order to promote progress to this end, each of these Parties shall, in accordance with Article 12, submit detailed information within six months of the entry into force of the Convention for it, on its projected emissions from sources and removal by sinks of greenhouse gases for the period referred to in subparagraph (a) above, taking into account the effort of its policies and measures on such projections, with the guideline of returning anthropogenic emissions of carbon dioxide and other greenhouse gases not covered by the Montreal Protocol to their 1990 levels. These Parties shall also report on actions taken to implement subparagraph (a) above jointly with other Parties or to assist other Parties in contributing to the achievement of the Objective of the Convention and, in particular, the aim of subparagraph (a) above. This information will be reviewed by the Conference of the Parties, at its first session and periodically thereafter, in accordance with Article 7;

(c) Calculations of emissions from sources and removals by sinks of greenhouse gases should take into account the best available scientific knowledge, including the effective capacity of sinks and the respective global warming potentials of such gases, in accordance with methodologies to be agreed by the Conference of the Parties, where available;

(d) The Conference of the Parties shall, at its first session, review the adequacy and op-

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[1] The five subparagraphs 3(a)–(e) dealing with the specific commitments of developed country Parties related to emissions, sinks and reservoirs were drafted as a distinct element of text. It will be necessary, in reviewing them, to ensure proper concordance with other elements of the Convention, notably with certain of the commitments by all Parties and with Article 12 on communication of information. However, these subparagraphs are included in their present state so as to allow their early consideration.

[2] This term would also cover policies adopted by regional economic integration organizations.

[3] The relationship to the Montreal Protocol and in particular to its reduction schedules needs to be further clarified.

eration of this paragraph. Such review shall be carried out in the light of the best available scientific information and assessment on climate change and its impacts, as well as relevant technical, social and economic information. Based on this information, the Conference of the Parties shall take appropriate action, which may include the adoption of amendments to existing commitments. A second review shall take place not later than 31 December 1998, and thereafter at regular intervals determined by the Conference of the Parties, until the Objective of this Convention is met;

(e) Any Party not included in Annex . . . may, in its instrument of ratification, acceptance, approval, or accession, or at any time thereafter, notify the Depositary that it intends to be bound by subparagraphs (a)-(d) above. The Depositary shall inform the other Parties of any such notification. The Conference of the Parties shall review, not later than 31 December 1998, available information with a view of taking decisions regarding such changes in the list in the Annex . . . as may be appropriate;

(See former Article 4.2.2)

4. The Parties included in the list in Annex . . . further commit themselves to provide adequate, new and additional financial resources, separate from agreed Official Development Assistance, needed by the developing country Parties to meet the agreed incremental costs resulting from their compliance with the commitments under the Convention. Other Parties and organizations in a position to do so may also contribute resources.

(See former Article 4.3, para. 5)

5. In the implementation of their commitments under paragraphs 3 and 4, a certain degree of flexibility shall be allowed in those Parties with economies that are in transition from a centrally planned system to a market economy, in order to enhance the ability of those Parties to deal with climate change.

(See former Article 4.2.4, para. (b))

6. Compliance with the Convention by developing country Parties will be dependent upon the effective implementation of the provisions of the Convention related to financial resources and transfer of technology.

(See former Article 4.3 chapeau and Article 13)

7. In promoting the implementation of the commitments in this Article, the Conference of the Parties shall consider what action is necessary under the Convention, including action related to funding, insurance and the transfer of technology, to meet the specific needs and concerns of developing country Parties arising from the adverse effects of climate change, especially the needs and concerns of developing country Parties with ecosystems that are vulnerable to the adverse effects of climate change, including.

(See former Article 4.3, paras 1(a) and (b))

(a) small island countries and others with low lying coastal areas;

(See former Article 4.3, paras 1(c) and (e))

(b) countries with arid and semi-arid areas liable to drought and desertification, or with forested areas, liable to degradation;

(See former Article 4.3, paras 1(d) and (g))

(c) countries with mountainous ecosystems and with areas prone to natural disasters, and

(See former Article 4.3, para. 1(f))

(d) countries with areas of high urban atmospheric pollution.

(See former Article 4.3, para. 2)

8. The Parties shall take full account of the specific needs and special situations of the least developed countries in their action with regard to funding and transfer of technology.

(See former Article 4.3, para. 1(h))

9. The Parties shall take into consideration in the implementation of the commitments of the Convention the situation of Parties, particularly developing country Parties, with economics that are vulnerable to the adverse effects of measures to respond to climate change. This applies notably to Parties with economics that are highly dependent on income generated from the production, processing and export, and/or consumption of fossil fuels and associated energy-intensive products and/or the use of fossil fuels for which such Parties have serious difficulties in switching to alternatives.

[Intergovernmental Negotiating Committee for a Framework Convention on Climate Change, Fifth session, second part, New York, 30 April–8 May 1992, Agenda item 3]

COMPLETION OF A FRAMEWORK CONVENTION ON CLIMATE CHANGE

WORKING PAPERS BY THE CHAIRMAN

Addendum 6

This addendum contains material relevant to Articles 11 and 12 (formerly Articles 12–14).

Article 11 (formerly Article 12)

Financial Mechanism

1. A mechanism for the provision of financial resources, including for the transfer of technology, is hereby established. It shall operate under the authority of the Conference of the Parties that shall decide on its overall policies. Its administration shall be entrusted to one or more existing international organizations.

2. The financial mechanism shall have a balanced representation of all Parties and a transparent system of governance.

3. The Conference of the Parties and the organization entrusted with the administration of the financial mechanism shall agree upon arrangements to give effect to the above paragraphs, that shall include the following:

(a) Modalities to ensure that the funded projects are in conformity with the priorities, programmes and eligibility criteria established by the Conference of the Parties;

(b) Modalities by which the Conference of the Parties may reconsider a particular funding decision in light of the criteria and priorities referred to in para. 3(a);

(c) Provision by the organization of regular reports to the Conference of the Parties on its funding operations;

(d) Determination of the amounts of funding necessary for the implementation of this Convention and the conditions under which that amount shall be periodically reviewed.

4. The Conference of the Parties shall make arrangements to implement the above mentioned provisions at its first session. It shall, within four years thereafter, review the mechanism and take the appropriate measures.

Article 12 (formerly Article 14)[1]

Communication of Information Related to Implementation

1. Each Party shall communicate to the Conference of Parties, through the secretariat, the following elements of information:

(a) A national inventory of emissions from sources, and of removals by sinks, of all greenhouse gases not controlled by the Montreal Protocol, and a general estimate of future trends regarding such emissions and removals, using in both cases comparable methodologies to be agreed upon by the Conference of the Parties and to be described in the submission by each Party;

(b) A general description of measures taken by it to fulfill its commitments under the Convention; and

(c) Any other information that the Party considers relevant to the achievement of the Objective of the Convention and suitable for inclusion in its communication.

2. In addition, each developed country Party included in the list in * * * shall incorporate in its communication the following elements of information:

(a) A detailed description of the policies and measures that it has adopted to implement its commitment under Article 4 * * *; [insert number of paragraph relating to specific commitments on resources and sinks]

(b) A specific estimate of the effects that the policies and measures referred to in subparagraph (a) will have on emissions from sources, and removals by sinks, of greenhouse gases during the period referred to in Article 4 * * *; [specific commitments, para. 1]

(c) A description of its contributions to the financial mechanism established by Article 11.

3. Developing country Parties may, on a voluntary basis, identify in their communications proposed projects in need of investment, including specific technologies, materials, equipment, techniques or practices that would be needed to implement such projects, along with, if possible, an estimate of the costs and the reductions of greenhouse gas emissions associated with those projects.

4. Each developed country Party included in the list in . . . shall make an initial communication within one year of the entry into force of the Convention for that Party. Each Party not so listed shall make an initial communication within three years of the entry into force of the Convention for that Party, provided that Parties that are least developed countries may make their initial communications at their discretion. The frequency of subsequent communications by all Parties shall be determined by the Conference of the Parties.

5. Information communicated by Parties under this Article shall be transmitted by the secretariat, as soon as possible, to the Conference of the Parties, and to the subsidiary bodies concerned.

6. The Conference of the Parties shall, for an initial period after the entry into force of the Convention, promote the provision to developing country Parties of technical and financial assistance, on request, in compiling and communicating information under this Article, as well as in identifying the technical and financial needs associated with projects proposed. Such assistance may be provided by other Parties, by competent international organizations and by the secretariat, as appropriate.

7. Any group of Parties may, subject to prior notification of the Conference of the Parties and any guidelines adopted by the Conference of the Parties, make a joint communication in fulfillment of their obligations under this Article, provided that such a communication includes information on the fulfillment by each of these Parties of its individual obligations under this Convention.

8. Information designated by the supplying Party as confidential, in accordance with

[1] It is proposed that former Article 13 (Insurance) be deleted and that its underlying concept be reflected in Article 4 (Commitments).

criteria to be established by the Conference of the Parties, shall not be disclosed by any of the bodies involved in the communication and review of information.

9. Subject to paragraph 8 above, and without prejudice to the ability of any Party to make public its communication at any time, the secretariat shall make communications by Parties under this Article publicly available at the time they are submitted to the Conference of the Parties.

10. The procedures for the communication of information related to implementation may be further elaborated by the Conference of the Parties.

[From the Denver Post, May 6, 1992]

U.N. TREATY ON GLOBAL WARMING FIZZLES UNDER U.S. PRESSURE

UNITED NATIONS.—The White House apparently has succeeded in gutting a U.N. treaty on global warming, drawing a barrage of criticism from diplomats, environmentalists and two Democratic senators.

"It looks like virtually all of the industrialized countries have caved in to the substance of the U.S. position," said T.J. Glauthier of the World Wildlife Fund.

Robert Reinstein who heads the U.S. delegation, had no comment on the negotiations.

The draft text of the treaty now calls on nations to assess their emissions without any requirement to stabilize or reduce those emissions.

Delegates met in informal sessions yesterday as they struggled to eliminate what some nations said were confusing and ambiguous passages in the text.

Late Monday night, developing countries raised objections to more than a dozen confusing passages in the text, prompting an outburst from Jean Ripert, the chairman of the negotiations.

"The reason we have an ambiguous text here is because there is a lack of agreement among the industrialized countries," he said.

"The United States has not changed its position and is not going to change its position in the next four days." Negotiations are scheduled to end Friday.

Sen. Al Gore of Tennessee criticized President Bush for "conning the rest of the world to accept a treaty with no real commitments in it."

"I have utter contempt for the moral and political cowardice the president has shown on this issue," Gore said in an interview Monday at the United Nations.

Gore is chairman of the Senate delegation to the U.N. Earth Summit in Rio de Janeiro in June, where negotiators hope to sign some sort of global warming agreement.

"The fact that this confused document ends up receiving so much support is a commentary on the power of the United States," said Colorado U.S. Sen. Tim Wirth, who was also at the United Nations on Monday.

"Imagine what you could do on the upside, if we would only try—which we are not doing.

U.N. negotiators had hoped that the treaty would commit nations to reducing their emissions of the carbon dioxide and other greenhouse gases that can lead to global warming. The Europeans had proposed that emissions be reduced to 1990 levels by the year 2000. The U.S. flatly rejected that proposal.

Gore said he would introduce legislation in the Senate this week that would require the United States to adopt the European proposal.

[From the Washington Post, May 2, 1992]

U.S. INDICATES READINESS TO ACCEPT NONBINDING

(By Michael Weisskopf)

UNITED NATIONS, May 1.—The United States today signaled a new willingness to accept non-binding goals for reducing air-polluting emissions by the turn of the century, raising hopes for conclusion of an international treaty in time for the U.N. "Earth Summit" in Rio de Janeiro next month.

But as pre-summit negotiations began their final week here today, European diplomats cautioned that their governments will continue to press for firmer and longer-lasting commitments to reductions of the industrial gases.

Previously, the Bush administration had been opposed to any binding international "targets and timetables." But the shift by U.S. negotiators was seen as a possible turning point in the 15-month diplomatic effort to limit the "greenhouse" gases that, many scientists say, already have trapped enough solar radiation to heat up the planet at least three degrees by the middle of the next century. The United States accounts for more than a fifth of world emissions of the gases.

The United States has been the only industrialized nation unwilling to pledge reductions in the emissions of the principal warming gas—carbon dioxide—by the year 2000 and to commit itself to long-term stabilization of those emissions at 1990 levels. Carbon dioxide is produced when oil and coal are burned by cars and industrial plants, giving rise to administration fears that "targets and timetables" for curbing the gas would stunt U.S. economic growth.

Diplomats said the United States is now willing to endorse a treaty objective of reducing carbon dioxide to 1990 levels by 2000. The new approach, however, still falls short of binding commitments to specific emissions levels and deadlines.

The policy shift was reflected in new draft treaty language unveiled today by Jean Ripert, chairman of the U.N.'s Inter-governmental Negotiating Committee, which is coordinating the talks. Ripert said at a briefing that the language was acceptable to Washington. U.S. diplomats here refused to comment publicly, but privately some indicated that the language announced by Ripert would be acceptable.

Administration officials said in compromise language was worked out earlier this week during a visit by British Environment Minister Michael Howard to the State Department. Officials said the move was intended to salvage an agreement in time for signature by heads of state in Rio.

Officials said that treaty advocates within the administration gained strength in recent days by citing a new analysis that showed that carbon dioxide reductions were possible at relatively little cost to the economy.

The provision unveiled by Ripert calls on industrialized nations to adopt measures to limit greenhouse gases, including methane, nitrous oxide and chlorofluorocarbons (CFCs) as well as carbon dioxide. The measures would "recognize that the return by the end of the decade to earlier levels" of emissions would be "an appropriate signal" by developed countries.

Another paragraph better defines the target for carbon dioxide emissions. Governments are to submit plans within six months of the agreement showing how they would reduce emissions to 1990 levels.

Although European diplomats criticized the proposal as vague and too weak to head off the warming threat, they praised it as a good first step.

"We want more than a signal," said Odile Gauthier, the French minister of the environment. "There is still a lot of work to be done."

Fons Baede, the chief scientist of the Dutch delegation, said the proposal is "not concrete enough. We simply want clear commitments with timetables. This is so vague, we really don't know how to explain it to our minister or our public."

It is unclear whether there is more flexibility in the U.S. position. One U.S. negotiator said that while there may be "wiggle room" on the issue of long-term stabilization, the Ripert proposal is close to Washington's last word on the treaty. "We've already evolved quite a bit," he said.

Mr. WIRTH. Mr. President, the time available, I think that the Senator from Minnesota—the majority leader just came on to the floor. Does he wish to speak? The distinguished majority leader.

Mr. WELLSTONE. Mr. President, I am pleased to defer to the majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I thank my colleagues for their courtesy. I did not mean to interrupt a statement.

Mr. WIRTH. I knew the majority leader was coming. I just finished. I heard him coming in the door.

Mr. MITCHELL. Mr. President, the Bush administration has refused to agree to any targets or timetables for controlling greenhouse gas emissions. As a result, this week international negotiators meeting in New York on a climate change convention may agree that a meaningless agreement is better than no agreement at all.

Consequently, the convention scheduled to be signed at the Earth summit next month may not control greenhouse gas emissions. Such a convention would do nothing to solve the problem it was designed to address. That would be an unfortunate outcome. I hope that will not be the outcome.

If it is, the planet Earth may continue to warm. Our children and grandchildren who will inherit the problems caused by global climate change will rightly ask why we did not act sooner.

I regret that the Bush administration has gone to such lengths to avoid the control of the emissions of gases that cause global warming. The United States emits 20 percent of the world's carbon dioxide emissions. Controlling carbon dioxide emissions is an important step because carbon dioxide is largely the result of manmade activity. It can be controlled. But the Bush administration opposes any limits on carbon dioxide emission.

The administration will not act, so Congress must. Senator GORE and I and others are today introducing legislation that calls for the United States to lead in the face of this threat to our planet. The legislation requires the

United States to avoid, by the year 2000, increases in carbon dioxide emissions above 1990 levels. The Bush administration shrinks from such a commitment based on an unfounded fear that the economy would suffer. But the administration's own analyses show that avoiding increases in carbon dioxide emissions will not be burdensome. In fact, stabilizing our carbon dioxide emissions would likely increase efficiency and may create jobs.

Not only is the administration unwilling to lead, it is also working to dissuade other nations from acting. Jean Ripert, chairman of the negotiations, explained late Monday night why the proposed climate change text was so hollow, so devoid of substance. He said: "The reason we have an ambiguous text here is because there is a lack of agreement among the industrialized countries. The United States has not changed its position and is not going to change its position in the next 4 days."

The administration's action forfeits American leadership on protection of the environment. It also will encourage other nations to step into the breach to find the growing trade and economic opportunities in environmental control. The organization for Economic Cooperation and Development estimates that worldwide about $200 billion annually is spent on environmental goods and services. The growth rate for this sector is projected to be about 5½ percent per year according to that organization.

The Congressional Office of Technology Assessment estimates that global environmental goods and services will grow to about $300 billion by the end of this decade. The United States share of this market is about 40 percent according to the U.S. Department of Commerce.

This is a potentially very lucrative market for America. This creates American jobs. We are now the world's leader in this area of economic activity. We should be furthering our advantage. The administration's policy pursues exactly the opposite approach—a wrong approach in the standpoint of the American economy and the global environment.

The legislation Senator GORE and I and others introduce today will protect the economy and the environment. It deserves the support of the Senate.

Mr. President, I yield the floor and I thank my colleagues for their courtesy.

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

Mr. WELLSTONE. I thank the Senator from Colorado and the Senate majority leader.

I know the majority leader is busy, but I want to say one thing to him that he might be interested in. There is a wonderful organization called Kids for Saving the Earth started by a little boy, Clinton Hill, who, at the age of 11, passed away from cancer. And their whole commitment is to the environment. They have chapters all across the country. They gave me a suitcase. They called it a suitcase of dreams. And on the suitcase was a little tag that says, "messenger from the Earth." They want me to take the suitcase to the conference in Rio. What they are talking about is exactly what the majority leader talked about. They do not talk about "global climate change." They do not put it that way. But they see it as something that is going on outside. They do not want to see the destruction of agriculture or trees or land.

I just want to say that this particular piece of legislation introduced by the majority leader and Senator GORE and others is so important, and I thank him.

Mr. President, let me simply say that I join in cosponsoring this legislation. And I will not go through the figures. Other people have already spoken about that on the floor.

So let me just put it to you this way. I think the choice of the country is really simple. I think we are at a crossroads. Either we can continue to go down the path of more fossil fuels, more CO_2 emissions, we can dig more for coal or oil, and we can also generate and get more nuclear waste; or we can go down a different path.

I really think we are at a point in time in the history of our country where we have to make linkage between how we produce and consume energy, and the environment.

And there is another path, and that other path is the path of saved energy, efficient energy use, and renewables. There is all sorts of evidence to support that.

We introduced a bill with a wonderful number, 2020 as in 20-20 vision, which says what we have to do as a Nation is make a transition over the next 20 years to reduce the energy consumption and get serious about renewables.

The importance of making a commitment to doing something about global climate change has to do with whether or not we are going to have a different direction in our country that is going to be good for our children and good for our grandchildren and good for planet Earth.

Mr. President, in the few minutes I have, I just want to take on one argument, and that is the argument that if we get serious about global climate change it will somehow damage our economy. Quite to the contrary. This is a marriage that should be made in Heaven. If you focus on saved energy and efficient energy use, if you focus on wind and biomass and solar and all of the rest, then what you do is, No. 1, you protect our environment, which is our most precious resource; No. 2, you keep capital within our own country and our own communities that has to do with economic development; No. 3, since I have never heard anybody on the floor of the Senate say they are opposed to small businesses, this is small business intensive. This is real economic development both in the metro area, and I have to say, speaking about my own State of Minnesota, also in the rural areas.

Finally, Mr. President, let me just make the point that I think we have an enormous potential growth industry, and that is clean technologies. And that has to do with whether or not we really get serious about doing something about global climate changes and focus on what Senator WIRTH has been talking about for years: saved energy, renewables, and clean technologies.

Mr. President, I think that is very much the future for our country. The vast majority of the people are committed to it.

I read the news report in the New York Times today, under the headline "Bush Likely To Go To Ecology Talks."

Mr. President, I will make this point. I have been predicting that the President will go. It is an even-numbered year. I do not see how the President cannot go to the Earth summit talks. The question is whether or not there is going to be any commitment made to a clear target and time line for reducing CO^{22} emissions. Unfortunately, that commitment is not there. Unfortunately, as Senator WIRTH said, everything we hear is that the administration has essentially opposed that and put a lot of pressure on a lot of other countries to oppose it.

So rather than signing a treaty with a clear commitment, we will get just the opposite.

Mr. President, I do not want my country to be an international outlaw on the environment. I want my country to be leading the way. And I am very sad to say on the floor of the Senate that, so far, that leadership has not been there.

We still have some time to go. I hope the President will show the leadership, and I hope that this bill which is introduced in the Senate today will become the law of the land.

Mr. WIRTH. Mr. President, I ask unanimous consent Senator DASCHLE be added as a cosponsor, and I yield 5 minutes to the Senator from Montana.

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

Mr. BAUCUS. Mr. President, may I have 8 minutes?

Mr. WIRTH. Yes.

The PRESIDING OFFICER. The Senator from Montana.

Mr. WIRTH. I yield 8 minutes.

EARTH SUMMIT

Mr. BAUCUS. Mr. President, with each passing day, it seems that George

Bush has forgotten his promise to the American people to be the environmental President. From clean air, to wetlands, to recycling, we see a President who does not understand what is really at stake. The most recent example is his continued indecision on whether to attend the Earth summit in Brazil next month.

This will be the largest gathering of environmental leaders in the world ever. The summit cries out for leadership on the very issues that threaten our planet. The heads of other industrialized nations made this meeting a priority months ago. But where is our environmental President?

Usually, this President is more than willing to jump on a plane to attend other summits. So his indecisiveness here is even more troubling.

Much attention has been focused on whether the President will stay or go. And rightly so. But let us not let his attendance obscure the fact that his administration is now engaging in far more destructive actions.

Earlier this week in New York, at a meeting to prepare for the summit, the President's representatives finally succeeded in effectively gutting an international agreement to control global warming.

That should come as no surprise. Because it is just another example of what has been happening closer to home. The environmental President has become the protector of special business interests.

Look at his commitment to clear air. The President proposed legislation soon after taking office. He worked with many of us in Congress to pass it. And he signed it with great fanfare nearly 18 months ago.

But once the camera lights went dark, the President started his retreat. He has already missed 35 deadlines established by the Clean Air Act.

And these are not just paper deadlines. Some of them have important public health implications. The President is putting public health in the backseat so he can curry favor with powerful business interests. Let me cite a few examples.

For nearly 5 months, the White House has been sitting on emission standards for hazardous chemicals. The Clean Air Act required these standards in order to control emissions of some 189 chemicals.

But by refusing to let EPA act, the President will allow some 545,000 tons of hazardous air pollutants to continue to pour into the air, where children and the elderly can be particularly susceptible to their effects.

Other delays are undermining the basis for implementing the entire Clean Air Act. For instance, the President has still not approved the rules for which industries must have operating permits, how they get them, and when they need to be renewed or revised. Without the permits, enforcement of the air pollution control becomes next to impossible.

The Clean Air Act is being eroded from the inside. It is being transformed into a hollow shell that gives industry a break and leaves the public breathing dirtier air.

It is important to remember that EPA was established as the Environmental Protection Agency. But the President apparently does not care enough about the environment to trust the agency to do its job. EPA rules are held up at the White House and its Council on Competitiveness, where staff with no experience with these issues can block decisions—and do in fact block decisions—by the Administrator of the EPA.

This is not government of the people, by the people, and for the people. It is a special interest haven government, where money and political influence override protection of public health and the environment. And it is wrong.

The irony is that delays and indecision actually cost money. States need the EPA rules so they will know how to implement the act.

If States are forced to delay action and the air is not cleaned up on time, industries in those States will be subject to even more stringent air pollution controls, a very shortsighted policy.

Jobs are also at stake. Implementation of the Clean Air Act creates jobs. That is right. It creates jobs. A recent study prepared for EPA estimates that 20,000 to 40,000 new jobs will be created due to clean air requirements.

And these are good jobs. They are in manufacturing high technology pollution control equipment. This industry is a growth industry, expected to increase sales by $4 to $6 billion annually in the next 3 years. And it is an industry in which American technology is still a world class leader.

By delaying implementation of the Clean Air Act, demand for these goods and services is reduced, both here and abroad. That hurts our economy and poisons our environment.

The President is missing a golden opportunity to improve our economy and clean up our environment. Moreover, he is shrinking from the leadership that he promised to exercise.

Frankly, his performance on environmental issues has been a real disappointment to me. I expected more from him. The American people expected more from him. I hoped he would become what he promised, the environmental President. But as it turned out, it is sad to say—I do not like saying this. But apparently, it was just another cynical campaign ploy to manipulate voters.

I do not think the American people want that. They certainly do not like that. And I think that our environment and our economy cannot and will not stand for it much longer.

Mr. WIRTH. Mr. President, I yield 2 minutes to the distinguished Senator from Tennessee.

Mr. GORE. Mr. President, I thank the Senators using the time from 10:30 on legislation I introduced earlier this morning. Because the Strategic Environmental Research and Development Program is up right now in the Armed Services Committee, I had to be absent. I appreciate my colleagues' managing this time. Let me close out this portion of it.

I hope others will speak. I know the distinguished Senator from Connecticut has some remarks he will make. I will be very brief in closing this portion of the debate.

I want to ask my colleagues on both sides of the aisle to support this legislation establishing a commitment by our country to stabilize CO_2 emissions at 1990 levels by the year 2000.

In evaluating your vote, please remember that the Bush administration itself has concluded, after lengthy internal debate and lengthy study, that our country can achieve the goal at a profit with purely voluntary measures. This is, in other words, the very least that we can do. It is the target and timetable the entire rest of the world has been prepared for some time to agree to.

The Nation which ought to be leading the world, our Nation, has, because of President Bush's obstinacy, refused to accept this target and timetable.

President Bush, in my opinion, is not representing the true views of the American people. So this legislation, in this body of the people made up of elected representatives of the American people from every State, has an opportunity to go on record and say we recognize our obligation to confront this problem and solve this problem.

Right now, in the negotiations in New York City, President Bush is undermining an international agreement that could make progress toward solving this problem.

What we have is a President who is an obstacle to progress. He is pulling the nations of the world backward as they are attempting to move forward. We are trying to put together a meaningful agreement to protect the Earth's environment. Everybody has said, "Will the President go to Rio or will the President not go to Rio?" I hope he goes to Rio.

Frankly, that is not the important question. The important question is whether or not he will provide leadership toward a meaningful agreement at Rio to protect the Earth's environment. That is what this debate is about. It is about far more than hopping on a plane for a quick photo opportunity on the tarmac in Brazil and then flying back with a meaningless treaty that has no commitments in it. That is the result the President is angling for. He has decided for a long

time that he would love to go to Rio if two conditions could be met: If, No. 1, he could drain any meaning out of the treaties to be signed there, and No. 2, if he could avoid the blame for condition one.

His negotiators have been hard at work on those two objectives. Have they asked what can we do to save the Earth's environment? No. From all appearances, they do not seem to be asking that question. Their aim is at the November election.

It is not about a photo opportunity. It is not about trying to pull the wool over peoples' eyes and pretend to be doing something when actually nothing is being done. It is about leadership, it is about courage, and the President is exhibiting neither of those qualities. It is about embracing a perspective that extends well beyond the next election or the next public opinion poll. President Bush seems to be a lot more interested in making the easy choices than in making the right choices.

On this question, it is imperative that he faces up to his responsibilities for a change. Forget about the PR opportunities, the photo opportunities, the meaningless rhetoric, and start offering some leadership for a change. Here we are in the post-cold war world with an ecological system that is threatened more severely than at any point in all human history, and the entire world is looking to President Bush to provide some leadership. And what is he doing instead? He is saying, "Give us language that does not obligate me to do anything at all, but try to set up a nice photo opportunity for the campaign this November."

I think the American people are fed up with this kind of leadership. They see through the illusion. They see through the politics. They see through the President trying to primp and pose as an environmental President while at the same time instructing his assistants to gut the environmental laws and instructing his negotiators to gut the treaty designed to protect the Earth's environment.

We have an opportunity to deliver a different verdict. We can say to the American people: This body of elected Senators understands how high the stakes are, and we are going to vote on legislation that will do what President Bush refuses to do.

So again, in closing, I urge my colleagues on both sides of the aisle to vote for this legislation and deliver the verdict that President Bush refuses to deliver.

Mr. President, if we have time remaining, I would like to yield such time as he may require and as we have left to my friend and colleague, the Senator from Connecticut, who has been an outstanding leader on this question.

The PRESIDING OFFICER. The Senator from Tennessee has remaining 8 minutes, and the Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair. I thank my friend and colleague from Tennessee. Mr. President, I congratulate him and congratulate the distinguished occupant of the chair, the Senator from Colorado, and congratulate the Senate majority leader, the Senator from Maine [Mr. MITCHELL] for their outstanding leadership in this area, which is truly in the interest of the public and in the interest of the health and safety, not just of the American people, but of the people of the world who are all equally threatened by the prospect of an Earth, a global system, that is warming and that will change life as we know it on this planet for ourselves and certainly for our children and their children who follow us.

Mr. President, it is regrettable that we are involved in this debate in the first instance. It really is. And it is regrettable that too much of this appears to be a Republican administration contending with the Democratic Congress because this ought to be an area of bipartisan, nonpolitical action. We used to have a proud tradition in this country, and it appears occasionally still, when America was threatened by foreign enemies, when dangers to America were clear on the horizon, when we reached the boundaries of this country, partisanship stopped. You no longer thought of the Congress or the White House, who was a Republican or who was a Democrat. What you thought about was the threat to the safety of the American people, and you got together and worked together to protect that safety.

Mr. President, we have reason to believe that the warming of the planet represents a profoundly serious threat to the health and safety of the people of this country. It is the kind of threat that ought to give birth to the kind of bipartisanship that we have shown in matters of foreign policy in the past, in our history. But sadly, it has not.

In fact, as we move from the cold war to this new era in world history, one of the issues that has not only reality but tremendous potential for bringing the world together in the global environmental threat. The forces of nationalism have been and remain very strong in our world, and they tended over history to divide us and, indeed, put us into conflict and create wars. The more we know about global environmental threats—and this knowledge is really very fresh and very recent in world history, the threat to us from the hole in the ozone layer which will create hundreds of thousands of cases of skin cancer, cataracts, deficiencies in immune systems, the global warming threat, we are all victims of that threat. The lines are not divided based on national boundaries. It gives us a new impetus to think globally.

I am not naive enough to think that the power of nationalism will diminish in the world today, but I am hopeful enough to think that the reality of these global environmental threats will give us a new perspective on the extent to which we share one planet with one another and the extent to which, at least on these global environmental issues, we should work together.

So all of us who have spoken this morning have a sense of disappointment that this administration, seeing there is a new world order, has failed nonetheless to lead this new world order in the one area where we have such profound and common mutual interest no matter where we live on the globe, and that is the environmental threat.

Mr. President, I want to make two basic points, responding to the administration and supporting this legislation. There are two questions: Is global warming a real problem? Does it really threaten us? And the second is, if it does, are we prepared to pay the price to avoid and diminish the threat?

I can cite scientific study after scientific study. The National Academy of Sciences concluded, despite the uncertainties, that greenhouse warming is a potential threat sufficient to justify action now.

An international panel of scientists convened by the United Nations predicted in 1990 that if nations continued to pour heat-trapping gases, like carbon dioxide, into the air at the current rate, they will cause the average surface temperature of the Earth to rise 3 to 8 degrees Fahrenheit by the end of the next century. That is a rate 10 times greater than the natural changes that have occurred over the last 10,000 years and would push the global temperatures higher than they have been in 150,000 years. We are living and facing changes that are unprecedented in modern history.

But let me go beyond those independent outside evaluations. Let us go to the administration itself, which now has adopted these scientific conclusions. In a study released on April 24, just a short while ago, titled "U.S. Views on Global Climate Change," the administration reported that—

> The best estimates indicate that increased concentrations of greenhouse gases are likely to increase atmospheric and ocean temperatures and alter their associated circulation and weather patterns.

End of argument. Case made. The administration calculated that a doubling of atmospheric concentrations of greenhouse gases, which they say could occur as early as 2050, will most likely increase global temperatures by 4.5 degrees Fahrenheit. That is the Bush administration itself, and to me it is the end of the argument.

But the response to those facts which the administration now agrees to has been a reluctant, and apparent decision

by the President to go to Rio to be part of this world conference, but no willingness to essentially put the administration's mouth where its mind is.

The administration has said in this report a few weeks ago that they agree global warming is a threat. They have concluded in their mind that it is a threat. Now the question is whether they have the courage, the guts to put their mouth where their mind is and come forward with a detailed specific program of dealing with global warming and protecting us from that threat. And that, in short, is what this legislation we are discussing today would do.

Second, can we afford the cost? Well, my colleagues have spoken this morning and I need not belabor the point. The threat to the world environment from global warming is hard for us to imagine and the cost will be enormous. Enormous is probably a mild word. I guess even allowing for the enormity of the costs of global warming and the damage it will bring to us, some might say it is still not worth spending enormous amounts of money to protect us from it. But the reality is that leading studies by experts that I have read, independent, nonpolitical experts conclude that carbon dioxide emissions can be cut at little or no cost to the economy.

So again what we are dealing with, in the administration's reluctance to lead in the fight against global warming, is an ideological haze, a haze which prevents them from accepting the facts.

Experts from around the world agree that climate changes might have devastating impacts on our ecosystems, our health, our plant and animal life, and our supply of food and drinking water. The potential effects of climate change include increased frequency and severity of droughts and hurricanes, reduced agricultural production, flooding of coastal areas and wetlands, elimination of many tree, and animal species, inundation of drinking water aquifers with saltwater and loss of important natural ecosystems. Thomas Lovejoy of the Smithsonian has stated:

> If the projected rates of climate change have any validity at all, then we have no historical evidence of species being able to disperse at that rate.

There are already a number of coastal communities and island nations that are threatened with being inundated from the rise in sea level. For example, four islands in the Maldives have been evacuated because they are being flooded by rising waters. These countries are coming to the international meetings and pleadings for their continued ability to exist.

Leading studies by experts conclude that carbon dioxide emissions can be cut at little or no cost to the economy.

The National Academy of Sciences report "Policy Implications of Global Warming," concludes that—

> The United States could reduce or offset its greenhouse gas emissions by between 10 and 40 percent of 1990 levels at low cost or some net savings.

Many of the control measures set forth by the National Academy of Sciences are those this Senate already has adopted in the energy and surface transportation legislation: improving the efficiency of buildings and appliances, reforming public utility regulation to encourage electrical utilities to promote efficiency and conservation, and strengthening Federal and State support of mass transit, among other measures. The National Academy finds that—

> The efficiency of practically every end use of energy can be improved relatively inexpensively.

According to the Congressional Office of Technology, carbon dioxide emissions can be stabilized in the United States at 1990 levels through at least 2005 at no net cost to the economy.

The administration's own April 24 study included a list of measures now being undertaken, many of them voluntarily, whose full implementation will nearly achieve stabilization. The list includes many measures identified by the National Academy of Sciences and OTA as saving money and resulting in a profit to those participating in the programs. State and local government reduction initiatives that will reduce greenhouse gas emissions were not even included in the administration report.

Recently, I learned about the Environmental Protection Agency's Green Lights Program. The program's goal is to prevent pollution by encouraging major U.S. institutions—businesses, governments and other organizations—to use energy-efficient lighting. Because lighting is such a large consumer of electricity—about 25 percent of the national total—and so wasteful—more than half the electricity used for lighting is wasted by inefficient technology and design practices, the EPA tells us that the Green Lights Program offers a substantial opportunity to prevent pollution and to do so at a profit. Under the program, EPA asks major institutions to sign a memorandum of understanding with the Agency, in which the signatory commits to install energy efficient lighting in 90 percent of their space nationwide over a 5-year period, but only where it is profitable and where lighting quality is maintained. EPA in turns, offers technical assistance. According to the EPA, if energy efficient lighting were used wherever profitable, the Nation's demand for electricity could be cut by more than 10 percent, leading to 4 to 7 percent reductions in the emissions of carbon dioxide.

Other individual companies have made firm commitments. Last spring, Mayor Bradley of Los Angeles announced that his Department of Water and Power and the Southern California Edison Co., had pledged to reduce carbon dioxide emissions by 20 percent by the year 2010 with at least half of those reductions to be achieved by the year 2000. That program would actually reduce carbon dioxide emissions by more than 40 percent when compared with projected levels.

The chairman of Southern California Edison stated in making this commitment:

> Taking prudent, reasonable economic steps to reduce CO_2 emissions are warranted by current scientific understanding of the potential for global warming. * * * We believe (our actions) make good environmental, scientific, and business sense.

Mr. President, these studies and commitments by industry show that this administration's adamant refusal to negotiate any concrete target or timetable for control of carbon dioxide not only may threaten the future of the entire planet but is irrational from an economic standpoint as well.

Mr. President, we can face the threat of global warming, if we are prepared to be leaders, at little or no cost to our economy and at a remarkable return for the generations that will inhabit this Earth after we are long gone. That is why this legislation is right on target. If the President will not lead, we, in the Congress, have what I would call a moral obligation to do so.

The PRESIDING OFFICER. The Senator from Oklahoma.

HUMAN RIGHTS ABUSES IN ANGOLA

Mr. BOREN. Mr. President, we have made remarkable progress over the course of the last decade in southern Africa. Namibia has gained independence. South Africa continues to progress toward the eradication of apartheid and a nonracial democracy based on one person, one vote. The recent referendum there is very encouraging.

Finally, the civil war in Angola has ended and the peace appears to be holding. It is my hope that free and fair elections will be held on September 29 and 30.

But I must be candid in stating that I have deep concerns about recently renewed allegations regarding human rights abuses in Angola and, in particular, the now widely reported deaths of Tito Chingunji, Wilson Dos Santos, and their families. Fred Bridgland's piece in the Washington Post on March 29, 1992, entitled "Angola's Secret Bloodbath" is certainly a chilling one, if true.

To be sure there have been charges and countercharges by both the MPLA and UNITA regarding the accuracy of Mr. Bridgland's article. There will be more debating points made by both sides. More attention will be raised in the coming days with the visit to the United States of Miguel N'Zau Puna formerly UNITA's Secretary General

and Tony Fernandes, its Foreign Minister.

Let me be candid. We may never know who killed Mr. Chingunji, Mr. Dos Santos, and their families. But, it is unavoidable that as the leader of UNITA, Dr. Savimbi must accept responsibility for the fact that their deaths occurred in a jurisdiction controlled by his political and military organization.

This country must now move beyond the period of civil war in Angola and beyond those perspectives which might have been arguably more relevant during the cold war. The Cubans have departed Angola. The only stake we should have in the upcoming elections is to ensure their fairness. Our interests must be stated very clearly. These interests must be based upon the principles of democracy and respect for human rights.

To Dr. Savimbi, who has benefited from American support in the past, we have a right to expect that several actions will be taken. First, he should move immediately to release any and all political prisoners now being held by UNITA.

Second, the freedom of movement of all Angolans into and out of UNITA held territory must be assured.

Third, the direct access into UNITA territory and indeed into all of Angola by internationally recognized human rights organizations must be assured by both UNITA and the MPLA.

Fourth, the civilian authority of the Angolan Government must be allowed to extend into all parts of UNITA held territory immediately if elections are to have any hope of meeting the current timeable.

The current government of Angola also has an obligation to live up to their agreements. Incompetence and foot dragging in taking the measures necessary to ensure the current election schedule must end.

Second, the demobilization schedule of armed combatants, in particular the Angolan Army, called for by the peace accords must be met.

For free and fair elections to have a chance, both sides must end the paranoia and bickering.

The United States now has a moral responsibility to bring its full force and strength to ensure that free and fair elections are held. The United Nations, the European Community and other African states must be engaged and energized. This is no longer a question of impinging on the sovereignty of Angola. It is a question of allowing all of the people of Angola to express their will.

Finally, let me say that we cannot ignore the deaths of Tito Chingunji, Wilson Dos Santos, and their families. The Secretary of State should call on the appropriate international entity, whether under the auspices of the Secretary General of the United Nations or respected independent nongovernmental organizations to conduct an immediate inquiry.

Mr. President, I ask unanimous consent that Fred Bridgland's piece which appeared in the Washington Post on March 29, 1992, and the further report of the Secretary General of the U.N. Angola Verification Mission be printed in the RECORD.

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

[From the Washington Post, Mar. 29, 1992]

ANGOLA'S SECRET BLOODBATH

(By Fred Bridgland)

JOHANNESBURG.—The time has come to reveal how a former high-ranking official and spokesman for UNITA, the U.S.-backed Angolan rebel movement, predicted he might be slain at the behest of his own leader, Jonas Savimbi.

The man in Pedro "Tito" Chingunji, well known in Washington and other Western capitals as a determined, effective advocate of the movement, which he enthusiastically portrayed to members of Congress and citizens and church groups in America as a democratic insurgency.

But now, it is certain that Chingunji is dead, killed by followers of Savimbi, who has led the movement, the National Union for the Total Unification of Angola, almost since its founding in 1964 to end Portugal's colonial rule. Chingunji is the best-known of scores of UNITA members killed in bloody leadership purges stretching over more than 15 years. The murders have long been hidden from the West, but the truth about what well-paid publicists continue to portray as a humanitarian movement is emerging.

The story of Chingunji and other victims is important because, with Angola's first-ever democratic elections due in six months—after nearly 30 years of civil war—Savimbi hopes to gain ultimate power in the country and be embraced by Western democracies as an African savior.

Grisly tales of UNITA torture, beatings and burnings at the stake have surfaced over the years, but until last week, UNITA always bitterly assailed those making the charges. I, myself, author of a laudatory biography of Savimbi and once a firm believer in him and UNITA, have been publicly denounced for reporting allegations of brutality from UNITA defectors.

But when two of Savimbi's closest confidantes defected recently in fear of their own lives and began recounting horrors from within the ruling circle, the wall of lies truly disintegrated. Last Wednesday, UNITA broke its habit of denial and issued a report admitting that serious abuses—including the presumed slaying of Chingunji—had occurred within the movement. The report blamed it all on the two high-level defectors, Miguel N'Zau Puna and Tony Fernandes. The report asserts that Chingunji "unaccountably disappeared."

However, four years ago, Chingunji gave me—a longtime close friend—a detailed account of what he concluded was Savimbi's ruthless elimination of anyone he thought a rival. Many of the victims were members of Chingunji's extended family.

It is a terrible irony that Chingunji concluded this even as he was reaching the height of his diplomatic success as a UNITA spokesman and propagandist in America and Western Europe. I, myself, once accepted the heroic image of Savimbi, as my 1986 book, "Jonas Savimbi: A Key to Africa," makes clear.

Chingunji's ties to UNITA—like Savimbi's—were unique. Although multitribalist in ideology, UNITA was always dominated by two great clans of Angola's biggest tribe, the Ovimbundu. The clans were the Savimbis—and the Chingunjis.

Savimbi and his branch of UNITA, trained by the Chinese, fought in the bush. The Chingunji clan organized the clandestine underground and penetrated from within. Tito Chingunji's parents, Jonatao and Violeta Chingunji, who were longtime UNITA activists, raised 10 children. All became UNITA activists; all but one have died in the violence.

Angola has been engulfed in fighting for almost 30 years. When the Portuguese left in 1975, a civil war erupted between the Marxist MPLA regime, backed by Moscow and Fidel Castro; and UNITA, backed by the United States and South Africa. Chingunjis parents were slain in 1979; Savimbi told Tito they had died during an MPLA offensive. At first, Tito accepted this.

Meanwhile, he rose in UNITA ruling circles. By 1983, he was a Politburo member and foreign secretary, ranked No. 3 behind Savimbi and Puna. But that year, he told me later, relatives smuggled startling information out of Angola: His parents had perished at the hands of Savimbi henchmen.

Tito gathered evidence and kept his own counsel. He advised me on my book and played a pivotal role in negotiations that culminated in the December 1988 New York Accords providing for the withdrawal of Cuban and Soviet forces from Angola and the South African Defense Force from neighboring Namibia.

In September 1988, Tito phoned me in London and asked me to fly to Washington to talk to him. He said it was a life-or-death matter that could not be discussed by phone.

Mystified but deeply concerned about a man I considered a brother, I flew to Washington. We met at a downtown hotel. He began by saying: "There are things I need to tell you because you are a man who understands African politics and because your family has loved me." I took careful notes as he talked.

Tito said things were more complicated within UNITA than he had ever told me. He went on: "Each time I return to Jamba [Savimbi's bush headquarters] I do not know whether or not I will come out again, or whether or not I will be killed."

"My parents [were] beaten to death on Savimbi's instructions," he said. "I have now confirmed that that is true. My sisters and brothers and their wives and husbands are under arrest and have been severely beaten. One of my sisters, Xila, has been executed."

"My father was a strong character and he never hesitated to criticize Savimbi," said Tito. "He became increasingly disapproving of Savimbi's callous treatment of women. Savimbi took 'wives' from everywhere and everyone, and his children from many women are scattered throughout southeastern Angola.

"For a long time there had been rumors that four of my brothers had been killed on Savimbi's orders," said Tito, but he had not believed them. He had lived through incredible adventures in the bush with Savimbi and genuinely admired him. "Then I learned that my surviving brothers and sisters had been arrested, and they got reports out to me saying that the strongarm men who surround Savimbi had beaten our parents to death."

He said his parents had died after confronting Savimbi with reports of the killings of several sons. Enraged, Savimbi jailed the parents with their surviving children and other relatives. The parents were tortured and beaten to death. (According to an account I was given by a senior UNITA representative still in Europe, the two were run over repeatedly by a truck.)

Despite the gravity of his accusations, Tito insisted out of fear for relatives still in prison that the information remain confidential. He would tell me when I could use it or, if something serious happened, I would know the time had come to make it public.

Tito said he had confronted Savimbi with his findings and the UNITA leader had admitted the killings and repented. Tito said he believed Savimbi was a "changed man." With peace near, the two had reached an understanding to get through the transition to free elections. Tito was also convinced that he was protected by his valuable diplomatic work and his strong religious faith.

In November 1988, Tito and all UNITA representatives abroad were called back to Jamba, ostensibly to confer prior to the signing of accords. Many people warned him not to go.

Tito ignored the advice. He went to Africa—and never returned.

The first overt sign of trouble came when UNITA announced he had been demoted from his leadership posts. Soon, I was inundated in London with calls from his friends in Europe and America asking me to go to Jamba to find out what had happened. I agreed—and stepped into one of the most bizarre and sad encounters of my life.

On the night of Dec. 21, 1988, I was ushered past guards toting AK-47 assault rifles into a circular conference hut in Jamba. Savimbi was sitting in a big red chair facing 13 pistol-packing members of his Politburo. Chingunji, his face a mask of fear, sat in the middle. We hardly dared look at each other, much less say anything. I said I had come to inquire about Tito on behalf of many other people and because, since the time I worked with him on my book, I had regarded him as a brother.

Savimbi suddenly exploded. His face contorted, he shouted and berated me. "You have come here to insult me! Do you think you can still come to Africa to patronize us, puffing yourself up and saying Tito is your brother and getting him into a lot of trouble?" He raged on and on.

"Our struggle is a big one, bigger than your book! Your book may be thick, but it is a very thin thing in the history of our struggle."

The harangue boomed for more than two hours. In a bizarre moment, Savimbi raised his left hand and said: "I can tell you there is not a spot of blood on my hand! Yes, it is true that Tito's parents were killed, but not by me. And these stories that Tito's brothers were also killed by me are lies * * *. You people are making it impossible for Tito to begin his new job. He is in a state of nervousness each day wondering what new story will be coming to divide him from his brothers."

Savimbi pointed to Chingunji and taunted: "There is your friend Tito. So what do you want to do with him now? Take him to a room where you can discuss alone? Or take him out altogether so that you can be the guarantor of his safety?"

Tito himself interrupted several times, mumbling disjointedly: "You, Fred Bridgland, must know that you and other people are creating big problems for me with these accounts, which are completely untrue * * *. You know yourself that in conversations with me that you have always asserted the brilliance, like a shining star, of Mr. President, who has taught me politically everything I know * * *." Tito was fighting for survival.

Information Secretary Jorge Valentim leaned across, tapped Tito's knee and said, "These imperialists not only spread all these lies about your family, but they were writing untrue things like 'Tito is the most intelligent man of UNITA, he is the cleverest one,' trying to divide us." Tito, near to tears, nodded agreement.

As the hideous session wound down, Savimbi in mercurial fashion changed mood, apologized if he had unsulted me and suggested I embrace each Politburo member. Like an actor in a surreal play, I did so.

I was escorted out. As I walked to my hut under millions of stars winking like diamonds in the African sky, I heard the sound of Politburo laughter mocking me. I began writing notes on the encounter.

When I got back to London, I worked with diplomats and human rights groups to save Chingunji. But I never saw him again. Now he, his wife and tiny children are dead, victims of a man of immense potential who has been overcome by megalomania. It is a tragic and disgusting waste of one of Africa's finest young men.

But it's curious: The dead Tito lives on vividly for his many friends in Angola and around the world, while Savimbi, who still lives physically, is now dead. When you are no longer worthy, power just evaporates like morning dew.

U.N. Security Council, March 3, 1992

FURTHER REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS ANGOLA VERIFICATION MISSION (UNAVEM II)

INTRODUCTION

1. As members of the Security Council will recall, the Peace Accords for Angola signed by the Government of Angola and the National Union for the Total Independence of Angola (UNITA)[1] provide for the following:

"Free and fair elections for a new Government will take place following voter registration conducted under the supervision of international election observers, who will remain in Angola until they certify that the elections were free and fair and that the results have been officially announced."

2. On 30 May 1991, the Security Council adopted resolution 696 (1991) and approved the Secretary-General's report of 20 May 1991[2] with its recommendations for specific action by the United Nations to assist in implementation of the Peace Accords. Paragraph 9 of the report referred, in particular, to the possibility of United Nations involvement in the Angolan electoral process. It was understood, however, that the two sides had not yet decided which international organization or organizations they would request to provide technical advice on certain electoral matters, as well as supervision of the elections by international election observers.

3. As members of the Security Council were informed, on 5 December 1991, the Permanent Representative of Angola delivered to my predecessor two letters dated 8 November 1991, signed by the Minister for External Relations, H.E. Mr. Pedro de Castro Van-Dunem "Loy". One of the letters formally requested the Secretary-General to send United Nations observers in order to follow the Angolan electoral procedure until its completion in the fall of 1992. It specifically emphasized the full commitment of the Angolan Government to establish a multiparty democracy and to consolidate peace in that country. The other letter contained a request for United Nations technical assistance to help the Angolan Government to prepare for and conduct the forthcoming elections.

4. With regard to the second letter, I have already initiated the early provision of technical assistance on electoral matters to Angola. This is being organized and coordinated by the former Department of Technical Cooperation for Development and the United Nations Development Programme (UNDP) in the framework of their respective programmes, and voluntary contributions are being sought from prospective donors. In January 1992, the Angolan Government, UNDP and the Department of Technical Cooperation for Development signed a project covering such technical assistance. The project provides for assistance to the Angolan authorities through a small team of international and national consultants on election organization, logistics and communications, and emphasizes the coordination of at least part of the bilateral foreign assistance through UNDP.

5. As regards United Nations observation of the elections, the Secretary-General stated on 20 December 1991, at informal consulations of the Security Council, that the following considerations were particularly relevant to the Angolan request.

6. First, the request clearly pertained to a situation with an international dimension with which the Council had been seized since it established UNAVEM II to monitor the cease-fire arrangements agreed to in the Peace Accords. Second, the conduct of internationally supervised elections constituted the central element in the implementation of the Peace Accords. Third, in order to verify the fairness and impartiality of the elections in Angola, the monitoring should cover the entire electoral process, including voter registration. Fourth, the introduction of a United Nations presence in the electoral process had been officially requested by the Angolan Government at an important point in the peace process. And fifth, there was broad public support in Angola for the United Nations to assume such a role. Bearing these considerations in mind, the Secretary-General said, in the informal consultation on 20 December 1991, that he intended to recommend that the Security Council authorize a mission to observe the future elections in Angola. But first, it was his intention to send a preliminary survey team to Launda to prepare a comprehensive report on such a mission. On the basis of that report he would present his recommendations for the consideration of the Security Council.

7. Having consulted President dos Santos as well as Mr. Jonas Savimbi, President of UNITA, I addressed a letter on 6 February 1992 to the President of the Security Council[3] informing the Council of my decision to appoint Miss Margaret Joan Anstee, then Director-General of the United Nations Office in Vienna, to the post of my Special Representative for Angola, with effect from 7 February. The members of the Council welcomed this decision.[4] The Special Representative is to coordinate the current and projected activities of the United Nations in connection with the Angola Peace Accords. She is in overall charge of these activities and is also the Chief of UNAVEM II. I also indicated my intention to recommend that, in addition to its existing military observers, police monitors and civilian staff, UNAVEM II should be enlarged to include an Electoral

Division. it is intended to establish in March 1992 an office of the Special Representative in Luanda, with a staff of international civil servants, to assist my Special Representative in coordinating all United Nations activities related to the Angolan peace process.

8. I asked my Special Representative to make an immediate visit to Angola in order to assess developments in the peace process and to report to me with recommendations concerning the United Nations role in observing the forthcoming elections. Miss Anstee, accompanied by a small team, visited Angola from 17 to 20 February 1992. She was briefed by the Chief Military Observer of UNAVEM II and his staff and had extensive discussions with the heads of the government and UNITA delegations to the Joint Political-Military Commission (CCPM), as well as with the heads of the observer delegations to the CCPM (Portugal, Russian Federation and United States of America), the Minister for the Administration of the Territory who is currently in charge of preparations for the elections, and the UNDP Resident Representative and the representatives of several United Nations agencies. She was received by Mr. Savimbi, President of UNITA. The Special Representative also attended a CCPM meeting on 20 February 1992, as well as a conference, organized by the Ministry for the Administration of the Territory, bringing together donor countries that have indicated their willingness to provide some financial and material assistance for the electoral process. In addition to these consultations in Luanda, she visited the province of Uije to see the situation in the FAPLA assembly area at Negage and in the FALA assembly area at Quipedro.

I. THE CURRENT STATE OF THE PEACE PROCESS

9. There are several positive elements in the report on the current state of the peace process that my Special Representative presented to me following her visit to Angola. But there are also a number of matters which give cause for concern.

10. Nine months after the signing of the Peace Accords, a great deal has been achieved and the Angolan peace process is generally developing along the lines of the Accords, although there have been delays and gaps in the completion of some of the major tasks. Despite some incidents, there has been no major violation of the cease-fire, an outstanding achievement for which both the Government and UNITA deserve congratulation after 16 years of civil war. Both parties have repeatedly reaffirmed their commitment to the non-renewal of hostilities. The joint commissions composed of the Government, UNITA and the three observers (Portugal, Russian Federation and United States), with the participation of UNAVEM II, as well as the Government/UNITA monitoring groups, continue to function. The first phase of the training of the new armed forces (half of whose strength will come from the Government's forces and half from UNITA) was completed in February 1992.

11. However, after initial progress in the implementation of the Peace Accords, work on most of the deadlines provided for in the Lisbon documents or in the subsequent undertakings is well behind schedule. The most worrying matter concerns the confinement of troops in the 48 designated assembly areas. As at 26 February 1992, UNITA had confined 93 percent of the troops it is supposed to assemble, while the percentage of government troops accounted for by UNAVEM II had dropped to 54 percent of the already revised projected total. Despite efforts under a special programme, launched in September 1991 by the United Nations, to assist the soldiers and their dependents in assembly areas, the numbers of FAPLA forces in the assembly areas have decreased substantially, as a consequence of the scarcity of food, poor living conditions, lack of pay and lack of leadership. There is unrest in many FAPLA assembly areas and this only adds to the precarious security situation in many parts of the country. On 20 February, CCPM, in the presence of my Special Representative, took a decision on a precise timetable for demobilization, which aims to complete the process at the end of July 1992. However, the practical steps to implement this plan have yet to be finalized. Government and UNITA delegations are also working on a plan to collect and store all weapons, from both inside and outside the assembly areas, in regional armories.

12. After protracted delays, the Government and UNITA have designated their members for the joint police monitoring teams whose task is to monitor the neutrality of the national police in Angola's 18 provinces. Rules of procedure for the monitoring teams have been developed in the Political Commission and approved by CCPM. However, joint police monitoring has still not effectively started in many areas because of difficulties that both the Government and UNITA have encountered in providing transport, communications and office space for the teams.

13. In spite of these difficulties and delays, UNAVEM II military and police observers have continued to verify and assist in the implementation of the cease-fire arrangements, as well as the arrangements agreed by the two Angolan parties for monitoring the national police.

14. The Peace Accords stipulated that the Government's administration should be extended to the areas that were beyond the range of its authority. This process got under way in November 1991 but, notwithstanding renewed efforts by CCPM, the Government has not yet been able to extend its administration to a number of municipalities controlled by UNITA. This factor is still hampering another related element in the Peace Accords, which calls for the free circulation of people and goods throughout Angloa. It could also impede the early stages of the electoral process. Apart from the political problems, the extension of central administration has been made difficult by the fact that many bridges are destroyed and many roads are still mined. It is important that this problem should be resolved soon.

15. Under the Peace Accords, all civilian and military prisoners held by the Government and UNITA have to be released. At the end of February 1992, the Government has freed 904 prisoners registered with the International Committee of the Red Cross (ICRC), while UNITA had released 3,043 registered prisoners. Both parties have stated that they have completed the first phase of the release of prisoners, but they still have outstanding claims against each other, action on which will constitute the second phase.

16. Apart from the Movimento Popular para a Libertagao de Angola (MPLA) and UNITA, there are about 30 political parties and organizations established or emerging in Angola. The Government has conducted bilateral consultations with the political parties and forces and has also organized a multiparty conference to discuss matters including the draft electoral law, the law on the formation of political parties, the exact data for the elections, the simultaneity of the presidential and legislative elections and changes to the Constitution. UNITA did not participate in the multiparty conference but the Government subsequently discussed these matters with it separately, and a comprehensive plan for organizing the elections is emerging. However, specific preparations for these first free elections, which present a daunting challenge to the Angolan people, have barely begun. There are many logistical, administrative and financial problems that must be overcome for elections to be held in September 1992 as provided in the Peace Accords. Both parties made clear to my Special Representative their high hopes and expectations for major United Nations assistance in both organizing and supervising the elections.

17. As indicated in my letter of 6 February 1992 to the President of the Security Council,[3] I asked my Special Representative to give priority to finalizing a plan for the United Nations to observe the elections. She has accordingly prepared the plan described below.

II. OPERATIONAL PLAN FOR UNITED NATIONS OBSERVATION OF THE ELECTIONS AND THE ENLARGEMENT OF UNAVEM II

Main assumptions

18. The United Nations electoral mission will have the explicit agreement of the two parties to the Peace Accords, who will confirm their understanding and acceptance of the mission's terms of reference and mandate.

19. The mission will be an operation limited in scale, similar in approach to the United Nations Observer Mission for the Verification of the Elections in Nicaragua (ONUVEN) and the United Nations Observer Group for the Verification of the Elections in Haiti (ONUVEH).

20. The mission will rely on the logistic and communications systems established by UNAVEM II and by United Nations agencies operating in Angola to the maximum extent possible and in an integrated manner.

21. The legislative and presidential elections will be held simultaneously in the second half of September 1992.

Terms of reference

22. The terms of reference would be as follows:

(a) To verify the impartiality of the electoral authorities in all aspects and stages of the electoral process;

* * * * *

27. Three main phase of the electoral process are foreseen: the registration of voters (possibly starting in April 1992 and lasting until July or August); the electoral campaign (lasting for several weeks before the poll); and the poll itself (lasting for one or more days in the second half of September).

28. The UNAVEM electoral observers, during all three phases, would monitor and evaluate the operations and impartiality of the electoral authorities at all levels. UNAVEM would similarly evaluate the fairness of all significant decisions of the electoral authorities and would investigate disputed actions taken by them. The provincial terms would have regular contact with political parties and social organizations, and would visit municipalities and villages throughout the country; they would monitor registration by making random visits to key centers; they would observe important political rallies and other political activities; and they would verify compliance by parties with the electoral law and with the code of conduct. The mechanisms through which broadcasting time was allotted to the different

parties would also be observed and the content of information broadcasts and the fairness of tariffs would be analyzed. UNAVEM would also evaluate complaints received about the use of public resources as well as making its own observations. These activities would make an important contribution to confidence-building and would be accompanied by public information programs. It is expected that at least 95 per cent of the municipalities and main population centres would be visited at least once by UNAVEM teams and, for the more populated areas, there would be several visits.

29. A network would be created to receive complaints by political parties, analyses their relevance and transmit them to the electoral authorities and appropriate parties. The actions taken in relation to situations that might significantly affect the fairness of the elections would be carefully followed. A data bank at Luanda headquarters would incorporate the complaints received and periodic analyses of the evolution of the situation would be produced.

30. During the polling itself, the Electoral Division would field about 200 observation teams of two people each, i.e., a total of 400 people. These teams would have full access to monitor all stages of the poll, and would develop a projection of results for internal purposes. These 400 personnel would consist of the approximately 100 staff mentioned in paragraphs 24 and 25 above; about 100 additional observers to be selected from UNDP and other United Nations agency personnel in Angola, plus volunteers from selected nongovernmental organizations (NGOs), about 100 additional observers from the Secretariat; and a further 100 contributed by member States.

31. It should be emphazised that this proposed operational plan and the preliminary cost estimates, which will be presented as an addendum to the present report are very modest for observing and verifying the first-ever elections is Angola, especially when compared with the costs currently projected for other recently initiated United Nations operations. Given the vast size of Angola, its difficult terrain and its degraded physical and administrative infrastructure, the allocation of an average of only five observers to each province (i.e.) approximately one United Nations observer per 100,000 inhabitants) would obviously allow for only sample observation.

32. There are at present many political, administrative and logistical imponderables and uncertainties, which could radically change the direction of the process. These factors argue in favor of making maximum use of the resources that UNAVEM II, UNDP and other United Nations agencies already have in Angola. The existing mandated strength of 350 United Nations military observers and 90 United Nations police observers, and existing support services, should be maintained. The requirements for additional administrative support staff will be detailed in the budget that I will present to the General Assembly and will be reflected in the preliminary cost estimates referred to above. Given the present uncertainties, further needs for personnel and equipment may emerge, and I will address the appropriate bodies again if the need should arise.

33. The current unsettled security situation in many areas of the country may make it necessary to provide UNAVEM II with security services for its election operation. These could be obtained on a contract basis from international security firms currently operating in Angola, which would be less expensive than deploying United Nations guards or additional military or police personnel from the troop-contributing countries for this task.

III. OBSERVATIONS

34. Much has been achieved in implementation of the Angolan peace process, but there remains much to be done to ensure that these gains are followed through to completion. The timetable for implementation of the Accords cannot be delay further. All Angolan parties and forces must join together urgently in making renewed commitments to realistic and workable timetables and methods for implementing the Peace Accords until achievement of the goal: free and fair elections in September 1992.

35. There is no reason to delay the demobilization of troops any longer. They should be able to begin returning to civilian life through an organized programme. Clarifications must be exchanged between the parties about their troops outside the assembly areas, so that they can be accounted for and monitored, as CCPM agreed on 30 January 1992. Establishment of a unified civilian police force, as well as the formation of joint military police units within the new national army, are high priorities. Every effort should be made to extend the Government's administration and to restore security throughout the country so that normal economic, social and political activities can be carried out without fear or intimidation. These are priority tasks that must be accomplished rapidly to ensure the success of the electoral process.

36. Moreover, there should be early national consensus on the essential elements for organizing the elections. These include agreement on the date for the elections and simultaneity of the legislative and presidential elections; the establishment of a workable National Electoral Council; the minimum voting age; and a comprehensive, detailed budget allocated by the Government.

37. As my Special Representative repeatedly emphasized during her visit, the Angolan elections are essentially a national, sovereign affair. The United Nations role is to observe and verify the elections, not to organize them. The Government must be seen clearly to be taking charge of their organization, especially concerning logistics. The Government and UNITA should make available as soon as possible all available resources, including accommodation, vehicles, aircraft, communications equipment and personnel. It is, however, unlikely that national resources, even if fully mobilized, will be adequate for this task and urgent supplements from the international community and bilateral donors are certain to be needed. It is also necessary that the registration of voters be practical and workable and not aim for a level of sophistication that is likely to be expensive, unnecessary and almost certainly unattainable, given the conditions existing in Angola. It is, moreover, essential that a strict schedule for the electoral process be maintained so that the elections can be held in September 1992. Unless the necessary political, legal, organizational and budgetary prerequisites are fulfilled very soon, the effectiveness of United Nations electoral observation as well as voter registration could be put in question.

38. While emphasizing the responsibility that lies with the Government, and with the Angolan political parties, to take now the steps necessary to ensure free and fair elections in September, I believe that the United Nations should make every possible effort, within the limits of its mandate and resources, to assist the process, in accordance with the request received from the Angolan Government. Accordingly, having considered the report that my Special Representative presented to me on her return from Angola, I recommend to the Security Council that UNAVEM's mandate, strength and composition be enlarged in the manner described above.

39. This new role for the United Nations in Angola, if approved by the Security Council, will be a daunting challenge, given the devastated condition of the country, the almost total lack of the infrastructure that will be necessary for the electoral process, and the major political, logistical and administrative uncertainties now evident. The efforts that will have to be undertaken, above all by the Angolan people themselves, in the organization of their first free and fair elections, which are an essential precondition for peace and political stability, deserve the support not only of the United Nations, but also of all those concerned with the future of Angola.

FOOTNOTES

[1] See S/22609.
[2] S/22627.
[3] S/23556.
[4] S/23557.

Mr. BOREN. Mr. President, I thank the Chair and I particularly thank my colleague from Florida for allowing me to proceed at this time.

The PRESIDING OFFICER (Mr. LIEBERMAN). Under the previous order, the Senator from Florida is recognized to speak for 20 minutes.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 2671 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under the previous order the Chair recognizes the Senator from Washington [Mr. GORTON] to speak for up to 10 minutes.

THE 50TH ANNIVERSARY OF FAIRCHILD AFB

Mr. GORTON. Mr. President, 1992 marks the 50th Anniversary of Fairchild Air Force Base. Since World War II, Fairchild has proven itself to be a friend to the community and a leader in strategic air defense. I would like to take a few moments to recognize the dedication of those who help to maintain this excellence, and to commend Fairchild for its loyalty to both the Spokane community and our Nation's defense.

For the most part, the decision to build a military base east of the Cascade Mountains can be attributed to the citizens of Spokane. In 1938, when the War Department expressed an interest in Washington State as a potential military site, the Spokane Chamber of Commerce began organizing efforts to convince the Government of Spokane's ideal military value. Specifically, Spokane's inland location east of the Cascade Mountains offered an ideal position away from enemy attacks.

In June of 1941 the Executive Chamber of Commerce met with Government

officials to discuss the selection of Spokane as the site for a new air corps maintenance facility. Although the board was interested in the Spokane site, Congressman Scoop Jackson and Senator Mon Wallgren were actively lobbying the War Department to build an air field in Everett. The Spokane Chamber unanimously voted to match any offer made by Everett, and on September 10, 1941 the War Department selected Spokane as the air depot maintenance site.

Soon after the bombing of Pearl Harbor, the Secretary of War refused to publicize any ground breaking ceremonies for the Spokane Air Maintenance Depot. On March 1, 1942, the ground breaking took place with little or no ceremony. A few days later, the soon-to-be maintenance facility received its first commanding officer and in December 1942 the media caught its first glimpse of the new Spokane Air Depot.

Fairchild excelled from the very beginning. During its first full year in operation, the Spokane Air Depot repaired over 10,000 engines. Although it performed exceptional maintenance and repaired more aircraft than any other plant in the United States, the need for such a facility disappeared after World War II. When the Depot was deactivated in 1947, the 92d Bomber Group moved in, bringing with it 30 B-29's and 3,000 airmen.

From World War II to the Persian Gulf conflict, Fairchild Air Force Base has exceeded in every aspect of military, humanitarian and community achievement. In response to the Tonkin Gulf crisis, for example, Fairchild supplied 47 crews and 25 KC-135's for air refueling missions. By 1966, the B-52's had entered the battle and were deployed to Guam where they served until the end of the Vietnam conflict; 1991 proved to be the most significant year in the history of Fairchild. As it played a significant role in our decisive victory over Iraq. The 92d wing and the 141st Air National Guard Refueling Wing deployed a total of 1,350 personnel to Desert Shield and Desert Storm. In the end, the Fairchild squadrons flew an impressive 726 sorties.

Fairchild has been involved in a number of humanitarian efforts as well. In March of this year, Fairchild was successful in delivering food and medical supplies to Russia. Operation Northwest Neighbor was one of the first humanitarian efforts to be concluded with the former Soviet Union. The leaders at Fairchild were instrumental in making that program a success.

In addition to its military and humanitarian achievements, Fairchild has gone out of its way to work closely with the Spokane community. The Spokane Chamber of Commerce has unqualified praise for the cooperation it receives from the men and women stationed at Fairchild. The relationship between the two has been described by some as "a unique and wonderful relationship * * * one that is virtually without parallel elsewhere."

For five decades, Fairchild Air Force Base has contributed to the economic vitality of Spokane as well as to the military strength of the United States. It is an honor to thank and congratulate Fairchild for 50 years of dedicated and exemplary service and to look forward to at least another half century of such magnificent service.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I inquire as to the status of the Senate at the present time.

The PRESIDING OFFICER. The Senate is in morning business until 12:30. Under the previous order, a number of Senators have been allocated time. However, none of them are on the floor at this time.

The Senator from Montana is recognized for up to 5 minutes as in morning business.

Mr. BURNS. Mr. President, thank you very much.

GLOBAL WARMING

Mr. BURNS. I have been listening to a lot of debate this morning on issues that I think involve all of us all around the world.

Yesterday, in the Energy Committee, was probably the most interesting panel that I have ever listened to since I became a Member of this body, with regard to global warming and the efforts that we are trying to put forth to maybe deal with that.

I want to enter into the RECORD a list of those witnesses yesterday and the credentials that they bring to this Government, as we try to fashion an energy policy that would deal with the environment around us: Dr. Robert Watson, who is Director, Process Studies Program Office, National Aeronautics and Space Administration here in Washington, who has been involved in this debate, and involved in this issue for a long time; Dr. Richard Linsen, who is professor of meteorology, Massachusetts Institute of Technology from Cambridge, MA; Dr. Michael McCracken, Division Director for Atmospheric and Geophysical Sciences, Lawrence Livermore Laboratory, out of Livermore, CA; Dr. Stephen Schneider, who is a senior scientist, National Center for Atmospheric Research out of Boulder, CO.

We see a lot of things on C-SPAN and the different media that covers Washington, DC, but I did not see one television shot of the testimony that was offered in the give-and-take between the Senators involved on the Energy Committee and this panel anywhere in the media either last night or today. In fact, I did not see one television crew in that room as this dialog was being carried out in that committee. That is sad, because if there is one thing, as we go to the scientific community in order to make our decisions in policymaking here, we have to have that kind of scientific information that these people offered that committee yesterday.

People are fascinated about global problems, and sometimes we have to look at a global problem when we solve it on a regional basis, and we tend to answer some of the questions that are globally asked. There would be those who have not really taken a look at this issue called "global warming," because they only see what they want to see; they hear what they want to hear, and then they draw their conclusions from that. I do not think that is quite the way they make their decisions in their private lives.

Yesterday was the most balanced information I have received since I have been in the U.S. Senate. We were very, very fortunate yesterday to have those gentlemen on that panel. When we talk about the commitment of this administration or this Government to deal with the problem, or so-called problem, of global warming, we have to use a little bit of imagery, I guess.

As I had breakfast this morning and spoke to a group, I said, you know, there is a difference between dedication, commitment, and involvement. This country, to research and development, is spending as much money as the total rest of the world.

Let us get that very plain. I think the American people should know that. We are spending $1.2 billion a year on research and development into this subject. The rest of the world—everybody else put together—is only spending about $1.4 billion. That is the difference between commitment, dedication, and involvement. As I looked at that plate in front of me this morning, I remembered the old story—when I looked at those eggs, I could say that the old chicken, the old hen, was involved in that breakfast. But when I took a look at that bacon, I thought of that old hog and, baby, that is commitment. There is a difference.

The PRESIDING OFFICER. The time allocated to the Senator has expired.

Mr. BURNS. I ask unanimous consent for 3 more minutes.

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

Mr. BURNS. Mr. President, yesterday, what came out of that hearing was this: CO_2 is not the only culprit that we have to deal with in this country; and is it a culprit? I do not think so. If it was not for it, plants or trees would not grow; they could not make oxygen that would sustain our lives. And scientists, right now, will agree on one thing, that there is not enough data, there is not enough information, to draw conclusions in which we can set policy. There is a broad range of dis-

agreement in this field. And before we embark on any kind of a policy we have to understand what global warming is all about. I would suggest and conclude from that hearing yesterday that they only agree on one thing, and that is not to agree. But they all did agree on one thing and it was very clear in that hearing that we cannot draw any conclusions right now.

Do you realize—and I want to bring it to the attention of the American people—that water evaporation in this country contributes much more, in fact greatly more to the greenhouse effect and that would not go away if CO_2 was completely controlled and 80 percent of that emission in this country is stopped?

So when we all boil down on these issues and we wonder why people are not going hither and yon, we must ask our questions: Is this in the interest of science, science that we can place some confidence in and draw some conclusions from and develop policy and goals and policy to reach those goals; or is it strictly from the motivation of the political world?

It is time we stopped asking political questions and we start asking scientific questions to deal with this problem. I come from Montana and it is funny that we have probably the largest concentration of fossils up there of dinosaurs. Dinosaurs did not live in a cold region. Climate change is a natural evolution of this planet. And what we do can do very little to alter that natural evolution. It will change in another 2,000 years. This planet might not look as it does today. We know that 10,000 years ago it did not look as it does today.

So let us do not be going off here with only a half a sack of groceries and expect to feed the world when the information that we have right now is incomplete and more research is going to have to be done. And this administration and this Government has pledged to do that since we are the biggest contributors to research and development dealing with this issue.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Under the previous order the Senator from Wyoming [Mr. SIMPSON] or his designee is recognized to speak for up to 15 minutes.

Mr. DOLE. Just yield me a minute.

Mr. SIMPSON. Mr. President, the Republican leader would like to introduce a bill and I yield to him for that purpose without relinquishing my time, if I may.

The PRESIDING OFFICER. The Chair recognizes the Republican leader.

Mr. DOLE. I thank the Chair.

(The remarks of Mr. DOLE and Mr. SIMPSON pertaining to the introduction of S. 2672 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

A RECENT EXAMPLE OF HOW THE DEMOCRATS INJECT RACE INTO CAMPAIGNS

Mr. SIMPSON. Mr. President, a couple things have been on my mind with regard to statements made on this floor in recent days, and these matters were on my mind before the horror of the Los Angeles experience. But they in a sense dovetail because whether the topic is race or the environment, it seems to me there is a noticeably greater stepping up of the rhetorical heat on the President.

We are hearing the same old, searing President bashing from frustrated Members of the Senate who are not on the Environment and Public Works Committee who utter almost daily and continuous harangues about the administration policy and lack of leadership on the environment and harsh personal attacks on the President of the United States.

Several days ago one of the Members of the other faith spoke in the same breath of George Bush, Al Sharpton, and David Duke. That is such a repugnant and crude comparison. I spoke in response to that. The Member, who is a lovely friend and a fine Senator, said to me, "Yes, I should have rethought that, or could have said that differently." I said, "I think so" I have been involved in several of those in my public life. But those kinds of comments are coming fast and furious this election year, and now we even hear more and more about Willie Horton again. And once again, we are hearing about a President who has no commitment to the environment whatsoever.

I think that it would be well to do, during my time, to reflect on what I see happening as some of my distinguished colleague across the aisle say one intends to make this into a racist issue and then in the next breath, they say they would like to say just one thing. Plenty of my colleagues in the majority party in weeks and days past have taken to the floor and taken to the media to accuse the Republicans of unfair politics in originally raising the issue of Willie Horton. The phrase all too commonly used goes something like this: "The party—or fill in the blank—or the President who gave us Willie Horton is now doing this." And then they describe the terrible thing being advocated. I agree. The party who did first raise the issue of Willie Horton is doing some terrible things like indulging in panic politics, because that same party is trying to inject the very perverse theory of class warfare into the political dialog of the day.

So I just wanted to share with you here on the floor for a few minutes exactly who that party is. And I have before me a full and fair chronology of the Willie Horton issue. Anyone is welcome to check for themselves what really happened there. I also ask unanimous consent that an article from Time dated June 27, 1988, and an editorial from the Washington Post dated October 25, 1988, be printed in the RECORD after my remarks.

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

(See exhibit 1.)

Mr. SIMPSON. In 1987, the Lawrence, MA, Eagle-Tribune investigated the State prison furlough policy and was awarded a Pulitzer Prize. A photo of Horton was printed. A citizens referendum campaign was launched to ban prison furloughs.

On April 12, 1988, the prison furlough issue was first raised in the national political Presidential campaign when a Democratic candidate running for the Presidency attacked Dukakis over weekend passes for first-degree murders. That was in a New York debate. That person still serves in the U.S. Senate.

On June 9, 1988, Bush, the Vice President, criticized Dukakis' furlough program for the first time. There was no mention of Willie Horton.

On June 20, 1988, Time magazine described how Willie Horton haunts the Dukakis campaign. In the June 27 issue a picture of Willie Horton was included.

On June 22, Bush renewed his attack on the furlough program. This was the first time that Willie Horton was mentioned by name.

And then, on June 30, 1988, Reader's Digest published the Willie Horton story, the first major nationwide exposure of the matter. There was no photo and no mention of race.

On July 31, the Washington Post said: "Horton's picture has appeared repeatedly on network television news."

In September 1988, Americans for Bush, an independent organization—those entities which we ought to really be paying attention to in our campaign reform efforts—aired an ad critical of Dukakis' furlough program. Horton's picture was prominently displayed. Network news programs repeatedly referred to the ad and misidentified it as a Bush ad.

At the same time, the Bush campaign was airing its revolving door ad and that had no mention of Horton and no picture. The Bush campaign never used Horton's photo in any way at any time.

And then, in October 1988, a Dukakis TV ad used the name and photo of a Hispanic murderer who escaped from a Federal halfway house.

On October 20, the Dukakis campaign chairman was asked if he thought the Bush campaign was racist. He responded: "I would not accuse the campaign of that." That is the statement of the Dukakis campaign manager.

Then, later in the month, October 23, various Senators, Democratic Senators, and Democratic Congressmen, all simultaneously accused the Bush campaign of being racist for using the furlough issue.

And then do not miss the Washington Post editorial of October 25, 1988, just a few days before the election. It said: "The Dukakis campaign's new charges that the Bush campaign is making racist appeals is a phony. We think it's a phony." This is the Washington Post.

The Post goes on: "Massachusetts is the only State that furloughed prisoners sentenced to life without parole, and for 11 years Mr. Dukakis supported that policy and resisted attempts to end it. It may or may not be relevant to stress that, but it isn't racist."

So it would appear from the facts that the Democrats themselves had two real firsts. Those firsts were: They were the first to raise the furlough issue, and the first to bring race into the debate. And the media took its lead from a Democratic candidate in the Presidential primary election and expended the issue.

The Bush campaign was the last to raise the furlough issue and never—never—referred to Willie Horton or injected race into the debate. All that hype came directly from the Democrats, and it blew right smack up in their faces, like it will again if they cannot begin to focus on issues and instead, only try to accuse Republicans, and a fine and decent man like George Bush, of their own Democrat political practices.

I ask unanimous consent that a chronology of the Willie Horton issue be printed in the RECORD.

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

CHRONOLOGY OF WILLIE HORTON ISSUE

1987: Lawrence Eagle-Tribune investigates Massachusetts furlough policy and wins Pulitzer Prize. Photo of Horton is printed. Upset citizens in Massachusetts launch referendum drive to ban furloughs for murderers.

4/12/88: The first national political use of the issue occurs when Al Gore attacks Dukakis over "weekend passes for first-degree murderers" in a New York debate.

6/9/88: Bush criticizes Dukakis furlough program for first time. Does not mention Horton.

6/20/88: Time's 6/27 issue describes how Horton "haunts" Dukakis' campaign. The articles represents the first time Horton's photo is published nationally.

6/22/88: Bush renews his attack on furloughs and first mentions Horton by name.

6/30/88: Reader's Digest publishes the entire Horton story, its first major nationwide exposure. Horton's photo is not used, nor is his race mentioned.

7/31/88: A Washington Post article by Tom Edsall says: "Horton's picture has appeared repeatedly on network television news * * *."

9/88: Americans for Bush, an independent expenditure committee, airs an ad that criticizes Dukakis' furlough program. The ad prominently displays Horton's picture. This ad was then repeatedly mis-identified on network news as a "Bush ad." At the same time, the Bush campaign was running its "revolving door" ad, which neither mentioned Horton nor showed his face. The Bush campaign never used Horton's photo in any way at any time.

10/88: A Dukakis TV ad uses the name and photo of a Hispanic murderer who escaped from a federal half-way house.

10/20/88: Dukakis campaign chairman Paul Brountas is asked if he thought the Bush campaign was racist. He said, "I would not accuse the campaign of that."

10/23/88: Sen. Bentsen, Jesse Jackson, Paul Kirk, Rep. Mervyn Dymally, and Rep. Charles Rangel all simultaneously denounce the Bush campaign as racist for using the furlough issue.

10/25/88: A Washington Post editorial cites "the Dukakis campaign's new charge that the Bush campaign is making racist appeals. We think it's a phony * * * Massachusetts is the only state that furloughed prisoners sentenced to life without parole, and that for 11 years Mr. Dukakis supported that policy and resisted attempts to end it. It may or may not be relevant to stress that, but it isn't racist."

EXHIBIT 1

[From Time Magazine, June 27, 1988]

THE ONE THAT GOT AWAY: WHY AN ESCAPED MURDERER HAUNTS MICHAEL DUKAKIS

Willie Horton was supposed to be serving time for murder in Massachusetts in April 1986 when he invaded a home in Oxon Hill, Md. raped a woman and stabbed her companion. Horton had not broken out of prison. He had walked away from it ten months earlier while on a weekend furlough, an experiment that has been a cornerstone of Governor Michael Dukakis' criminal justice program.

Now the Horton case is being used to point Dukakis with that most damaging liberal stereotype: soft on crime. George Bush has taken to citing his differences with the Governor by saying. "I don't like the idea of letting murderers out of jail." One GOP strategist has proposed a bumper sticker reading: Dukakis to Rapist: Have a Nice Weekend.

Responding to public outrage over the Horton incident, Dukakis signed a new law last April banning furloughs for first-degree murderers. Explaining his turnaround. Dukakis said simply. "I try to listen. I try to learn." But the Governor still becomes testy when confronted with the question. During a debate in San Francisco, conservative Journalist John Mclaughlin charged that Massachusetts' program allowed convicts to commit more violent crimes "That's not true," Dukakis exclaimed. "That happened on one occasion."

Although Dukakis was considered too liberal on crime during his first term, he has worked hard to reverse that image. In the past four years, the violent-crime rate in Massachusetts has dropped 13.4% while the national rate has risen 1.8%. Today the state has the lowest homicide rate of any major industrial state in the country. In 1983 Dukakis formed a special anticrime task council, and he has chaired every one of the group's 58 meetings. "His record against crime now can't be disputed," says Ned Merrick, legislative representative of the state's police association. "It's too good."

Yet the furlough furor threatens to overshadow these impressive achievements. Massachusetts is among 45 states that allow prison leaves. Last fall state legislators published a report lambasting the supervision of the program by the Dukakis administration. Authorities had not properly screened Horton before his leaves, investigators found, and they did not keep thorough records of his behavior in the prison.

Defenders of furlough programs point out that weekend leaves offer relief at a time when prisons around the country are dangerously overcrowded. Behavior during furloughs can help determine how an inmate up for parole might function in society. According to John Larivee, executive director of Boston's Crime and Justice Foundation, the recidivision rate since 1972 has been just 10% for prisoners paroled after taking part in such a program. Among other prisoners, it was 25%.

Moreover, there were only 426 escapes among the 117,786 furloughs during the same period, and Horton's escape was the first among first-degree murderers from the program in nearly five years. "The failure was not the program," says Massachusetts Corrections Commissioner Michael Fair. "Willie Horton was the failure. Our evidence is the program was successful.

[From the Washington Post, Oct. 25, 1988]

A RACIST CAMPAIGN?

Add to the charges the presidential campaigns are hurling back and forth the Dukakis campaign's new charge that the Bush campaign is making racist appeals. We think it's a phony, no more credible than those vicious and baseless charges that the Bush campaign had been making about Gov. Dukakis' patriotism. Lloyd Bentsen, asked whether there is a racial element to the Bush campaign's emphasis on furloughs, replied, "When you add it up, I think there is." Jesse Jackson, speaking in Boston, said "There have been a number of rather ugly race-conscious signals sent from that campaign." Some have gone so far as to charge that Mr. Bush's assertion that Mr. Dukakis is a liberal also has racist undertones. If that term is out of bounds, what form of discourse is not?

The one serious question is this is whether the Bush campaign's attacks on the furlough program that freed prisoner Willie Horton, sentenced to life-without-parole, are an appeal to racism. You can believe that the importance of this topic was greatly overstated and that the "lessons" drawn from it were demagogic and extravagantly sinister without accepting its use as the basis for a charge of racism against Mr. Bush. To begin with, the Bush campaign wasn't the first to raise the furlough issue against Gov. Dukakis; Sen. Albert Gore was, in an April 1988 debate in New York. The Bush campaign has done some disgusting things in this campaign. But the facts are that Massachusetts is the only state that furloughed prisoners sentenced to life without parole, and that for 11 years Mr. Dukakis supported that policy and resisted attempts to end it. It may or may not be relevant to stress that, but it isn't racist.

On racial questions, what we find disturbing in this campaign is not appeals to racist feelings but the conspicuous failure of both candidates to address the particular needs and interests of black Americans. Any candid view of our history and our current situation cries out that blacks have a special claim on the attention of those who govern. But they are getting scarcely any at all from this year's nominees—one because he seems afraid to give it, the other because he seems uninterested.

Mr. Dukakis, speaking at the Neshoba County Fair in Philadelphia, Miss., this summer brushed past the murder of three civil rights workers in that county in 1964. You wonder what held him back. Mr. Bush has devoted almost no time or attention to the situation of black Americans. A certain amount of charge-and-countercharge is probably inevitable in a campaign, but it isn't inevitable or desirable for two candidates to

ignore almost entirely one out of 10 of their fellow citizens.

RESPONSE TO STATEMENTS ON RIO SUMMIT

Mr. SIMPSON. Mr. President, today we have heard once again the President-bashing with regard to the environment. Frankly, I find it a bit tiresome to listen to the overblown and sometimes almost pathetic statements made by Democrats, who are consistently second-guessing the President on this issue, and of course many others. But that is politics, and we are all good at it.

I must say, though, that when I heard the distinguished Senator from Tennessee on the floor last Tuesday—and he is my friend; he and my father served together here in the U.S. Senate. And also this very day, our wives, Tipper Gore and Ann Simpson, are en route to Cody, WY, to actively participate in a mental health symposium, something they both have been deeply involved in for many years. The Gores are special, deeply committed people.

But again, either we are responsible for the things that our fine staff members put in front of us, or we have to say, "I guess I said that." But here is what was said:

Last Tuesday, speaking about the Rio summit, I was flabbergasted when my friend from Tennessee said that most of our big cities are only a half step behind Mexico City, which is choking on air pollution. That, my colleagues, is the most exaggerated and inaccurate claim made by our distinguished colleagues on the other side of the aisle in my recent memory.

I have always said everyone is entitled to their own opinions, but no one is entitled to their own facts. I am curious what empirical data the Senator from Tennessee has in his possession to back up this truly extraordinary and outrageous comparison.

Because it is very clear—and no one knows it better than the Senator from Tennessee, who has written on the subject and spoken eloquently on the subject for many years—that the United States of America has had clean air laws on its books for over 20 years. I doubt that anyone will tell you that our fine neighbor to the south has had any similar requirements of this nature during that time.

Congress recently passed a new version of the Clean Air Act which will ensure that the United States has the strongest clean air requirements of any country in the world. Now, with the possible exception of the junior Senator from Minnesota, all of us who have spoken on this issue today were all here and voted on that. The fact is that this country has been a world leader when it comes to environmental protection, and that fact seems to be ignored quite frequently as of late.

And why did we get this historic clean air legislation passed? Because President Bush initiated his own Clean Air Act which helped to break the legislative gridlock that had prevented us from passing a new clean air bill for 10 years. For 10 years, we did nothing. And yet, the Environment and Public Works Committee, which was under the control, most of that time by the majority party, would pass a bill out of committee. It would come to the desk, without any hope of its ever passing.

And so I guess those who would bash the President have had some memory lapses form time to time. Now, that is common. Or maybe some Democrats do not really want to acknowledge the very substantial role the White House played in getting the Clean Air Act passed.

And true credit must go to GEORGE MITCHELL, our majority leader, who worked doggedly in the small room off his office. He dealt with every single concern raised by every single person. Senator MAX BAUCUS of Montana and Senator JOHN CHAFEE also did yeomen's work. There were many of us that did. We worked hard to pass that law.

I find it a bit ironic that Senate Democrats would say that U.S. cities have pollution similar to Mexico when so many on that side were instrumental in getting the Clean Air Act legislation passed and worked on over the years. That is a slight on their own party. I am sure that former Senator Ed Muskie of Maine, who was one of my great tutors on the Environment and Public Works Committee, would certainly take issue with some of the comments made today by the Senator from Tennessee most recently.

I would hunch that those who bash the President for his commonsense policy on global warming are frustrated because they are not in the White House making policy. I understand that. With regard to global warming and carbon dioxide emissions—I can not understand the shrillness of these attacks because those who are making them had a chance to offer amendments to the energy bill which would have required the very things they advocate—drastic CO_2 reductions and specific timetables for reductions. But you know what? They did not have the support of key Democrats in the Senate or the support of a majority of Senators to do these things. And this Senate is in the control of their party. So now we hear this repetitive whining and carping about the administration not carrying out these unwise policies—and frankly I find it to be somewhat extraordinary; not very becoming.

President Bush recognizes this is a most complex issue and that the scientific evidence is not in. We all understand, I think, the difference between ozone depletion, which is a most serious international issue, and global warming, which does not have the same level of evidentiary accord among the science community. He does not want to base policy on some pseudo-reality, driven by emotion, that only exists in some fantasy computer model. He recognizes that other nations which advocate strict targets and timetables have some hidden agendas based on economic gain for themselves and economic loss for the United States. The President is proceeding wisely on this issue. And the American people should not be misled by these shrill critics and self-styled experts who would, like Chicken Little, try to convince us that the sky is falling when, in fact, it is not.

Mr. President, may I yield to myself an additional 2 minutes? I ask unanimous consent to do so.

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

Mr. SIMPSON. The Rio summit is a very important meeting. We all know that. And the administration will be a full participant. They will be there. So I can only conclude that all of these statements on the global environment and horror stories and stridency which we have been hearing for days now in almost an orchestrated approach is really nothing more than political opportunism and fear mongering.

The American people deserve the truth, not just trendy sound bites. And the truth is this: The new Clean Air Act—which many of us on both sides of the aisle worked to pass especially the majority leader and the minority leader—will result in even cleaner air in our cities and a significant reduction in ozone-destroying chemicals that are also greenhouse gases. In fact, that must be so because there are many people who think the timetable is too swift. I do not. I think we thought it over very carefully when we crafted the Clean Air Act.

So President Bush is proceeding with thoughtfulness, with genuine concern about the environment, but he will not be stampeded by hype and hyperbole.

We will hear a good deal of misinformation—we have already heard it—about what scientists think about global warming. I think it is useful to point out that there was a recent Gallop poll of the American Meteorological Society and the American Geophysical Union. Guess what! Roughly Two-thirds of those who were sampled felt our century's warming was not attributable to an enhanced greenhouse effect.

So I do not think it is a sin for the President to think that environmental policy should be based on common sense, on truth instead of emotion, and on sound science. And I think most thoughtful Americans will agree. For, at least on the issue of the greenhouse effect and global warming, many of the scientists who are telling us what they are telling us now, were the same ones

telling us 20 years ago that we would be in an ice age within the next three decades.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, who has control of the time?

The PRESIDING OFFICER. We are in morning business. Time is not controlled. Senators may proceed for up to 5 minutes.

A COMMONSENSE APPROACH TO GLOBAL WARMING

Mr. SYMMS. Mr. President, I wish to continue the discussion that my distinguished colleague from Wyoming was just talking about. I share his view that it would be totally irresponsible for the President to rush headlong into agreeing to some kind of arbitrary and capricious standards that might be unattainable and that would put the United States in a competitively disadvantaged position with our trading partners.

This morning our colleague from Tennessee introduced a bill that, in my view, would put our country in a poor negotiating position. I hope that bill will not ever see the light of day here in this Senate. Presently, global climate negotiations are taking place in New York, and these negotiations should move forward without any interference in terms of legislation on the part of this Congress.

The President and his administration have outlined a strategy for reducing CO_2 emissions. I believe, along with many others, that this is the best approach to implement that strategy. Here are the reasons why I believe it to be true.

The strategy the administration has laid down steers away from rigid and arbitrary regimes of targets and timetables for the reduction of emissions and specific greenhouse gases. Instead, it outlines a commitment to adopt a national plan and policy to limit emissions and protect and enhance greenhouse gas sinks and reservoirs. It is a commonsense approach.

No. 2, human-caused emissions of carbon dioxides and other greenhouse gases are addressed jointly, not individually. The comprehensive treatment of net emissions of all greenhouse gases, taking account of available scientific knowledge, allows policies and measures to focus on the best opportunities for reducing sources and increasing the sinks in all gases.

Mr. President, yesterday the chairman of the Energy Committee had a hearing. I think Senator BURNS mentioned something about it earlier here this morning. At that hearing, scientists, holding a wide spectrum of views on global climate issues, all strongly favored a policy approach that would include a focus on actions and measures rather than on arbitrary goals—it makes sense—and two, the need to consider all greenhouse gases, not just CO_2. When we speak about the greenhouse effect, I think it is worthwhile to read a paragraph from a great book. I urge my colleagues, if they have not purchased it and have it, to get one. It is written by a Democrat, I might say, Mr. President, and a fellow Governor with the distinguished Presiding Officer, the Governor of Washington State, Dixy Lee Ray: "Trashing The Planet." It is an outstanding book. I want to read a paragraph from the book.

> Of course, the Earth with its enveloping blanket of atmosphere constitutes a greenhouse. This fact has never been at issue. Indeed, if it were not for the greenhouse function of air, the Earth's surface might be like that of the Moon: Bitterly cold, minus 270 degrees Fahrenheit, at night and unbearably hot, 212 degrees Fahrenheit, during the day. Although the amount of solar energy reaching the Moon is essentially the same as reaching the Earth, the Earth's surface acts like a filter of the incoming solar radiation. About 20 percent is absorbed in the atmosphere, about 50 percent reaches and warms the Earth's surface, and the rest is reflected back into space. As the Earth's surface is warmed, infrared radiation is emitted, and it is the presence of CO_2 and water vapor, methane, hydrocarbons, and other gases in the atmosphere that absorbs the long wavelength infrared radiation, thereby producing the warming greenhouse effect. It would be difficult to sustain life on this planet—

Mr. President, I will not go on and read the rest of the chapter, but I think it is important we put these things in perspective.

In the book, "Trashing the Planet," there is quite a case made by a substantial body of scientists, I say to my colleagues, that the impact that human beings have on the global climate is not as significant as the natural phenomena that take place. So I do think it is significant that there is a lot of uncertainty surrounding the science of climate change. It places a premium on flexibility.

President Bush and his negotiators realize this, and I believe it is imperative we not hamper that flexibility. That is why I cannot in good conscience support the legislation of the Senator from Tennessee.

I ask my fellow colleagues to withhold their support from it.

Mr. President, there is one other thing I would like to say. I do not know how much time I have remaining.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SYMMS. I ask unanimous consent I might proceed for 3 more minutes if my colleague from Kentucky does not object.

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

Mr. SYMMS. If we are going to continue to compare the United States, who refuses to sign targets and timetables, with some of the other industrial nations who are willing to sign, there are a couple of things I think Americans should think about.

No. 1, the CO_2 stabilization mandate ignores key differences between us and other countries. The United States has a huge resource base of low-cost coal and an efficient industry to extract it. Europe has a limited coal resource and has to subsidize its inefficient coal industry. Japan has almost no coal. Severely curtailing coal use, which is essential for a freeze on CO_2 emissions, removes one of the aces from the U.S. energy hand but takes only a low card from our competitors. In other words, they can freeze their CO_2 levels without giving much up competitively, and the United States of America has to give up a great deal in order to do this.

According to official projections, another fact about this country is the U.S. population will grow six times faster than the population of the European Community over the next two decades, putting us in a much worse position to fix emissions relative to a baseline based on current population standards.

So other countries' commitments—we hear a lot about them on the floor, about how they are so much committed. It is much less than meet the eye. The detailed proposals of other countries do not come close to matching their rhetoric, and we should not legislate their rhetoric. The European Community has adopted an EC-wide target of emissions stabilization by the year 2000. The EC's Environmental Commission has acknowledged that the EC is unlikely to pursue its energy carbon tax plans unilaterally. A unilateral EC move was ruled out because of slowing economic growth in the EC, and worldwide.

Japan has discussed a target for stabilizing CO_2 at the 1990 levels by the year 2000.

But it is not clear whether the commitment is per capita or absolute. The Japanese Government will implement only measures that become feasible.

Their scenario requires construction of 40 new nuclear powerplants before the year 2010, which is not very likely that will be able to happen. That is a lot of plants to build in the next 18 years. Energy demand in Japan grew at an annual rate of over 3 percent in the last 2 years. To hold year 2000 per capita CO_2 emissions at the 1990 level, the annual growth over the decade would be held to 1 percent.

Another one of our good friends and allies, Australia, speaks about a goal of stabilizing CO_2 at the 1988 levels by the year 2000, and a 20-percent cut by 2005, but notes, and I want to note this, Mr. President, they say this is an interim planning target and Australia will not proceed unilaterally.

Mr. President, what this tells me is this does not sound like all industrialized nations are so quick to sign on.

I think they are not. They are being reasonable, they are being sensible and that is exactly what President Bush is doing. I urge the President not to go to Rio. There is absolutely nothing the President can do in Rio short of signing some kind of an agreement that may or may not be in our best interest. I think it would be wise and prudent for us to find out what the impact is.

Our colleague from Wyoming mentioned what was going on in the seventies. I was on the House Agriculture Committee in the seventies and I can tell you that we had witness after witness who told us we would be starving in the Northern Hemisphere because we were going into an ice age. Some of these people are the same people who are now saying we are going into this extended period of cold weather. Record cold weather has been broken in Alaska since the so-called global warming has started and across the northern tier.

I yield the floor. I note my time is up.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

THE UNITED STATES MUST TAKE A CAUTIOUS APPROACH

Mr. McCONNELL. Mr. President, I want to take a moment to express my very serious concerns with the bill introduced this morning by the Senator from Tennessee, and the remarks of my colleagues on the other side of the aisle.

Listening to them, you would think that carbon dioxide was equivalent to mustard gas. They fail to mention that the vast majority of carbon dioxide in our atmosphere is from natural sources. You would think that global warming is a scientific certainty equivalent to the law of gravity. In truth, it is more like trying to grab a fistful of water. The United States and the world must take steps to mitigate the possibility of global climate change carefully calculated to produce the greatest environmental benefits with the least, I repeat, the least economic impact. We must focus our limited economic resources on addressing the most pressing environmental risks, not those which are unclear or remote.

In particular, the United States must continue to take a cautions approach before committing to binding agreements on carbon dioxide stabilization. Given the scientific uncertainties and enormous costs in jobs and competitiveness that such Government-mandated targets and timetables could exact, President Bush has acted prudently in his cautious approach to the UNCED conference. To commit ourselves to targets and timetables for carbon dioxide stabilization, without a complete understanding of the magnitude of its effect on global climate change, is a solution in search of a clearly defined problem. The United States has been harshly criticized for not committing to targets and timetables in the New York talks preceding the UNCED conference next month. What my colleagues on the other side of the aisle do not talk about is that the United States has proposed a plan for voluntary stabilization that would be revisited when more facts are known about global climate change.

I am troubled by critics of the administration who insist we should shackle our ecomony's energy use and determine later whether carbon dioxide emissions present substantial risks of potential climate change. I am also concerned that in this election year, our Nation's environmental policy will be undermined by partisan politics, short on facts, and long on rhetoric.

For these reasons, I will oppose Senator GORE'S legislation. I strongly believe it will have an adverse impact on American industry and result in the loss of American jobs. Based on risk assessment, we should not bind our Nation's industry with arbitrary, heavy-handed regulations based on sketchy, I repeat, sketchy science.

Mr. President, I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

EXTENSION OF MORNING BUSINESS

Mr. MITCHELL. Mr. President, I understand we have had a lively debate this morning and that there are other Senators who wish to speak. Therefore, since the period for morning business is due to expire in less than 5 minutes and other Senators do wish to speak, I now ask unanimous consent that the period for morning business be extended until 1:15 p.m., during which time Senators be permitted to speak.

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

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

A BLUEPRINT FOR ECONOMIC DIVERSIFICATION

Mr. DODD. Mr. President, many times in the past number of months I have stood in this Chamber and spoken about the remarkable accomplishments of our Nation's defense industry. Most recently, of course, it was some 48 hours ago when we had a lively debate in this Chamber over whether or not the second and third Seawolfs, our modern attack submarines, ought to be completed at three rather than terminated at one boat.

Indeed, Mr. President, it was the men and women of our defense industries who allowed us to contain the Soviet threat, and contributed to those factors which caused the collapse of our four-decade-old adversary, the Soviet Union. Today, Mr. President, that defense industry and the working families that depend on it for their economic livelihood face a challenge almost as threatening as our former foe.

Over the coming years, particularly this next decade, cuts in defense budgets will reduce the work force—and in some cases, close the doors—of numerous defense plants around the country.

These budgets will alter the landscapes of hundreds of local communities as well, and they will leave millions of defense workers across every State in this Nation groping desperately for answers as to their own economic futures.

The problems raised by the decline in defense spending are surely not the most serious facing this Nation today. Indeed, as the civil unrest in Los Angeles and other cities around the Nation demonstrate, the difficulties confronting our society are deep, they are widespread, and they are highly diverse.

But, Mr. President, the cutbacks in defense spending and the pain those cuts will inflict on working Americans and their families go directly to the core of the economic debate. These cuts have exposed an underlying weakness in our economy that stems from nearly 12 years of neglect. They raise profound questions about our investment in the technologies and resources of tomorrow and our commitment to the working men and women of today.

Mr. President, 2 days ago, this body voted to preserve the funding for the second and third Seawolf submarines. I believe that was a critical vote, not just for the work force of southeastern New England, but for the industrial base of our Nation.

But Mr. President, even if that vote holds up through the rest of the budgeting process, let no one doubt that the reductions in the defense budget over the coming years will have a dramatic impact not only on the more than 18,000 men and women who work at Electric Boat but on defense workers everywhere. And let no one believe that the damage will be limited to defense industries and defense workers. In fact, under the budget estimates presented this year by President Bush, defense cuts will be felt in small businesses and local communities across the Nation.

Over 170,000 small businesses are involved in defense work, the same small businesses responsible for most of the job growth, I might add, during the 1980's. Many of these companies and the innovations that they represent will simply be lost. According to the Office of Technology Assessment, nearly 150 communities around the Nation are almost exclusively dependent on defense spending—Groton, CT; Lima, OH; Bath, ME; Pittsfield, MA;

Palmdale, CA; Wichita, KS and the list goes on and on.

Defense spending, Mr. President, is not just a matter of national security. Our defense spending represents a massive commitment to the materials and the technologies of tomorrow as well.

Ten percent of our Nation's manufacturing work force can be found within the defense industry; 18 percent of our Nation's engineers are involved in defense work; and 60 percent of our Federal research dollars are spent by the defense sector. The dramatic cuts in store for our defense budget will leave no sector of our economy untouched.

If we are going to take this step, Mr. President, and it appears we are, then I think we ought to know where we are going. We ought to have some idea as to how we can help workers and communities through this transition. We must have a national strategy, Mr. President, to develop the technologies of the next century. And we must have a vision of an economy that meets the challenge of global competition.

As of today, Mr. President, there has been little or no leadership on any of this by Washington.

The budget proposal that has been submitted by the President is full of sound and fury, with grandiose gestures, elegant prose and loud proclamations. But in the end it signifies little except higher unemployment and a weakened economic structure.

There is no assurance that our defense-industrial base will be maintained by these defense cuts. No guidelines for developing the technologies to keep us competitive in an aggressive world market, and no effort to retain the skills developed in the defense industries of our Nation.

In the last few months, Mr. President, some of us have taken it upon ourselves to present at least some ideas in this area. Under the direction of the majority leader, Senator MITCHELL, we have established the Defense/Economic Conversion Task Force in the Senate. Mr. President, I serve as a member of that task force.

That task force is due to present its final report in less than a month from now, on June 1 of this year. I hope that report will reflect some of the suggestions that I would like to make this morning.

SHORT-TERM ADJUSTMENT

If we are to provide some sort of transition policy, we will have to do it in two phases. At the outset, we have to start by helping the people in the communities hurt by plant closures and layoffs. At the same time, we need a forward-looking strategy of investment, so that economic growth is nurtured where it is needed most.

Let me start by addressing the short-term problem.

WORKERS

When a worker loses his or her job as a result of defense cuts, our goal as a nation should be clear and compelling. We ought to make it possible for that worker to get back in the labor force as quickly as possible. No social program, no matter how comprehensive, how sensitive, and how well meaning, can match the simple benefits of a steady, predictable job.

In the long run, Government policies must be aimed at encouraging business expansion and job growth. In the short term, laid-off defense workers must have adequate training for the challenges of today's and tomorrow's market.

Two years ago, in the 1991 defense authorization, Congress extended the Job Training Partnership Act to cover displaced defense workers. That was a crucial step but it ought not to be where we end our efforts. Today, that program should serve as a foundation for a much broader effort.

As one basic improvement, Mr. President, we should offer incentives for businesses that provide on-the-job training. There is no reason for a worker to be denied job training benefits just because the pink slip is in the mail.

Second, Mr. President, we must improve the delivery of job training funds to highly distressed areas. In many cases, Mr. President, these funds are too thinly spread to have any meaning, and too slow in arriving to make any difference. It is a true case of too little, too late.

Finally, Mr. President, we must increase the budget for job training activities so that the funding of this program meets the needs.

COMMUNITY DEVELOPMENT

The second phase of any adjustment program must be community assistance. The lesson of the Los Angeles riot should be clear: We can no longer ignore the plight of our communities and towns across this Nation.

Now is not the time to hold back on public works. Roadways, bridges, housing, sewage and waste water projects are the elements of a healthy, growing society. Over the short term, these projects will create some high-paying jobs for the benefit of employees that have been displaced as a result of downsizing the defense budget. Over the long run, however, these programs will create the kind of economic stability and structure for the benefit of entire communities.

CONCLUSION

Mr. DODD. Mr. President, once we have instituted what I have now described as a short-term plan, we also must turn our attention to the long-term challenge of American competitiveness.

Too often we hear a call for a modern-day conversion plan, not unlike the reconversion that took place after World War II. That idealistic scenario has no place, however, in today's modern economy. Even if there did exist a civilian counterpart for each defense firm, it certainly would not and should not be Government's responsibility to find it.

The irony is that today we need more than a conversion policy. We need a broader economic policy—an economic policy that recognizes the value of investment.

EXPORT PROMOTION

First, I think we should rededicate ourselves to the promotion of exports. Over the last decade, approximately two-thirds of our economic growth has come from exports. Exports are the key to new markets, open competition and business expansion.

Unfortunately, U.S. support for exports lags well behind that of our competitors.

Take the case of Japan, Mr. President. In 1990, the French Government had one commercial affairs officer in Tokyo for every six French businessmen who were trying to expand opportunities there. The Italian Government had one commercial officer for every two businessmen operating in Japan. The United States had one commercial officer for every 62 executives trying to expand business opportunities in that country.

If our Nation's defense manufacturers want to convert to commercial production, they must have top-notch assistance in finding broader export markets. We must increase funding for the foreign commercial service, and we must increase the amount available for export financing. Most important of all, we must make these programs available to a greater number of smaller manufacturers in this country—something that does not happen today.

SMALL BUSINESS

For small businesses, export financing is only the tip of the proverbial iceberg. The President's budget proposal for 1993 would cut $70 million out of the Small Business Administration and do away entirely with the Small Business Development Centers Program. With so many smaller enterprises about to lose the lifeline of defense spending, cutting back in this area is exactly the wrong approach. I believe that we should restore those funds and provide an increase, not a decrease, in small business assistance.

We should also support new efforts to double the size of the Small Business Innovation Research Program. Last year, this important program pumped nearly $500 million into some of the most innovative and creative small businesses across the country. Few programs, in my view, offer a better return on their investment.

In addition, Mr. President, I believe the time has come to take a hard look at direct loans to assist defense-dependent companies with conversion. A piece of legislation that I have sponsored with Senator LIEBERMAN, my colleague from Connecticut, would pro-

vide small businesses with $40,000 loans or grants—matched by the company—to do research into the possibility of conversion.

The 1991 defense authorization required the administration to study the feasibility of such a provision. However, that study, in my view, was woefully inadequate. The time has come for a real look at this initiative.

TECHNOLOGY INNOVATION

Finally, Mr. President, companies must have unfettered access to the critical technologies of today and the emerging technologies of tomorrow. An invention that remains in a Federal lab is an invention wasted. A nation that cannot make use of technology is a nation that cannot grow.

It is technology that allows companies to adapt to a changing world environment. And it is technology that allows the independent entrepreneur to race ahead of the competition. Finally, it is technology that will allow America to compete—and win—against a highly sophisticated international field.

The time for bold action in this area is now. The Government of Japan, one of our major competitors, maintains almost 200 federally funded technology centers for the benefit of Japanese manufacturers. The United States, by contrast, has just five in the entire Nation.

Of the 12 key emerging technologies, identified by the Commerce Department, we are told that we are going to lose market share in 10 of those 12. We should be leading the world. But we are in grave danger of falling further and further behind.

I think we can learn a great deal from the experience of our defense industry. Since the 1950's, the Defense Advanced Research Products Agency has supported the basic technologies necessary for our national defense. These efforts created the brilliant technology we all saw on display in the Persian Gulf conflict, few short months ago.

With the cold war over, it is time we let our civilian industries benefit from the same type of programs. We need to open up the Federal labs so that private researchers and Government scientists can work side by side on the technologies of tomorrow. We need to establish a network of manufacturing technology centers around this Nation. And we need to encourage States to establish technology programs of their own, each one tailored to their local needs.

FUNDAMENTAL QUESTIONS

These issues will not be resolved by any simple means. Indeed, the decline of the defense budget forces all of us to ask fundamental questions about the scope and direction of our economic policy.

Will we continue our trend away from manufacturing toward service sector jobs? Will we be world leaders in technologies of the future? Will we sell our products around the globe? Will we prepare our work force for the challenges and opportunities of the next generation?

Will we create a more prosperous society for all of our citizens? Or will we continue to squabble among ourselves for fewer and fewer resources?

Mr. President, we can approach these issues in the traditional way, with partisan bickering and relentless finger pointing. But some day Mr. President, we will realize what the American people have agreed on: If we want an economic policy that will work for all of us, then we have to work together, particularly here in this city, to create it.

Mr. President, I yield the floor.

POLLUTION IN CITIES

Mr. GORE. Mr. President, I wish to thank my colleague, the junior Senator from Wyoming, for his courtesy in allowing me this brief time to respond to comments made not long ago here by the senior Senator from Wyoming [Mr. SIMPSON].

Mr. President, there are many ways I could respond because of my personal fondness for both Senators from Wyoming, but in this connection the senior Senator from Wyoming who made the comments to which I refer.

Let me confine my response by simply pointing out that the premise upon which his attack was based is simply wrong. He apparently heard me say something that I did not hear, and that I did not say.

What I did say was that in Mexico City the pollution problems are enormous. Some factories are being shut down, and there is a desperate search for new products and processes to make it possible to reopen these factories and provide jobs without adding to the burden of choking pollution which is, I believe, killing people in Mexico City.

What the senior Senator from Wyoming thought he heard me say was our cities are only a half step behind Mexico City, and then he launched into a very strong attack on that statement. That is not what I said.

What I said—and let me quote from the CONGRESSIONAL RECORD—was "Most cities in the developing world are no more than a half step behind Mexico City."

Ninety-five percent of the population growth in the world is in developing countries. The megacities of the world are now emerging in the developing world. The burden of pollution is not only air pollution, but also is water pollution. Witness the spreading of cholera in South America right now, and Central America as well, directly related to water pollution. All of this serves to buttress the evidence to the truth of the statement I actually made. I had not made the statement which he thought that I made.

In conclusion, Mr. President, let me say I have deep respect for my colleagues on the other side of the aisle who are on the opposite side of this issue. I am going to stay on this very carefully and engage in a debate about the facts.

I think it is unfortunate that some on the Republican side of the aisle apparently do not want to see us take action to protect the global environment. The vast majority here and many on the Republican side think we should take action. We should have meaningful treaties signed at Rio.

I want to thank my colleague, the junior Senator from Wyoming, for his courtesy in allowing me to proceed out of order, notwithstanding the fact that he has been waiting.

I yield the floor.

Mr. WALLOP. Mr. President, yesterday, the Senate Energy Committee held a hearing on the science behind the global climate change debate. It was rare and, most importantly, Mr. President, an informative hearing devoid of rhetoric which is perhaps why there was an absence of television cameras, and an absolute commitment to avoid coverage in the national news media.

It is very unfortunate. The public perception about the possibility of global climate change has been distorted by emotional rhetoric attacking President Bush, misinterpreting the scientific investigation of climate change, and for a whole lot of other reasons. There has been a vigorous effort to substitute political agenda for scientific understanding.

Today, the promotion of politics over science has again occurred here in the Senate with the attacks on President Bush's negotiating strategy, on the international convention on global climate change. Legislation is even being introduced to force the United States to accept the European Community's proposal on global climate change.

Mr. President, how very convenient to pin America's decision on Europe's view. If it fails, it can then be blamed on Europe and not the sponsors. And it will be so, Mr. President, because of a couple of things.

One, Europe is not in the habit of committing itself to its signatures on treaties.

And, two, were they to commit themselves, Europe has the industrial world's most inefficient and dirty coal industry.

So their commitment to do something about that is something they have to do anyway. But whether they will be able to commit and achieve their commitment is something that is worth the understanding and skepticism of this body.

Mr. President, let us not embrace Europe's idea of what America ought to do. They do not have our interests at heart. It would have been very instruc-

tive for the sponsors of this legislation had they attended yesterday's Energy Committee hearing. There were two key conclusions by the panel of scientists, none of whom were traditionally known to be particularly in support of each other. They represented the diverse perspectives of the science on global climate change.

First, their first conclusion was that science cannot conclusively demonstrate that increases in atmospheric carbon dioxide will result in catastrophic climate change in the next century.

All of them agreed with this. Dr. Watson, Dr. Lindzen from MIT, who are poles apart in this debate, agreed that the science is very uncertain to date and that carbon dioxide is among the major uncertainties.

Second, all of the scientists present agreed that the most appropriate response to the potential threat of climate change is the policy proposed by President Bush. Mr. President, these are not people with a political agenda. These are people who, in the scientific community, argue with each other over the details of global climate change. Yet, they all agreed that the posture taken by the United States in these negotiations is the responsible posture.

I understand that this is not the message desired by those who want to expand the power of government to control our lives in the guise of combating the so-called global warming. Had they attended the hearing, their understanding of the real issues would have been vastly improved.

Those Members sponsoring the bill to impose the European solution will claim that there is a scientific consensus that global warming is occurring and that it will have catastrophic effects.

Mr. President, I was in the room with four of America's most eminent climatological, meteorological scientists. They did not have consensus, Mr. President. They were here giving witness to the Senate of the United States. The sponsors of this bill will cite the 1992 report by the International Panel on Climate Change, known as IPCC, supporting their argument.

Let me quote from yesterday's testimony by one of the scientists who was a leading participant in the IPCC work.

Mr. President, Dr. Robert Watson stated, "There are significant scientific uncertainties associated with the IPCC assessment of global climate change. Resolution of these scientific uncertainties will take years to decades, even with comprehensive research programs * * * that are focused on resolving the key IPCC scientific uncertainties."

Much of the scientific uncertainty reflects the inadequacies of current scientific models. Fifteen years ago, the climate models were busy investigating the possibility of a mini ice age. Eight years ago, the focus was on global winters caused by a nuclear war. In both instances, the models were wrong. For instance, the prediction that nuclear winter will reduce temperatures by 25 degrees was later corrected and reduced by a factor of 10 to 2½ degrees.

The scientific community is learning and improving its models. As they input more data and corrections into these models, the threat of global warming diminishes. This is anathema to those with a political agenda, so they continually cite old information which may be incomplete or simply wrong, but it is dramatic. In particular, the magnitude of temperature change resulting from global warming increases as the political rhetoric heats up. The scientific dispute is over the potential climate change. Some believe the range is from one-half degree Celsius to 1.2 degrees Celsius. Others believe the range is from 1.5 degrees to 4.5 degrees. While both positions are below what was predicted back in the middle 1980's, only some 6 years ago, the difference between these two positions is yet significant. Whichever position is more accurate would have profound economic and social impact.

In addition to scientific disagreement over models and temperature change, there is also uncertainty about the culprits in global climate change. The basic culprit is nature herself, because temperature fluctuates according to the whims of nature rather than the desires of man. Since the last ice age ended 10,000 years ago, there have been significant fluctuations in the global climate. In most of this period, temperature changes had nothing to do with the changes in carbon dioxide levels, which remained relatively steady. So many other factors were involved in global climate change.

Dr. Lindzen pointed out that water vapor is a major contributor to global greenhouse effects. It is a natural phenomenon. He said that removing in its entirety manmade carbon dioxide from the atmosphere would still leave 98 percent of greenhouse gases in the atmosphere, and the world cannot exist without them.

The scientific community is more cautious about prescribing remedies than the politicians. This caution and uncertainty drives us to only one political position. We should enact the National Energy Security Act rather than the European carbon dioxide cap. We should support the President's position supporting flexibility, cooperation, and mitigation, rather than mandatory targets and timetables. This is the position endorsed unanimously at yesterday's hearing by the science panel, including, may I say, one of the most pessimistic commentators, Dr. Steven Schneider, of Boulder, CO, who specifically endorsed, in response to my specific question, the position taken by the United States in these negotiations and by this administration. All of them rejected the European position; each of them decried the specific goals concept as neither environmentally sound nor practical.

Mr. President, I ask unanimous consent that the testimony by Dr. Richard Lindzen, Dr. Robert T. Watson, and Dr. Michael MacCracken be printed in the RECORD.

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

ON THE ABSENCE OF A SCIENTIFIC BASIS FOR GLOBAL WARMING SCENARIOS

(By Richard S. Lindzen, Alfred P. Sloan Professor of Meteorology, Massachusetts Institute of Technology)

(Statement Presented to the Senate Committee on Energy and Natural Resources, May 6, 1992)

SUMMARY

Given normal climate variability, we may reasonably expect that there will be future climates both warmer and colder than the present regime. This, however, hardly supports the current fear that increasingly greenhouse gases in the atmosphere will lead to catastrophic warming. The IPCC Scientific Assessment[1] as well as the current update (Houghton, et al., 1990, 1992) both recognize that temperature changes over the past century (a net warming of 0.45°C±0.15°C) are consistent with natural variability and smaller than what would be expected for models predicting over about 1.3°C equilibrium warming for a doubling of CO_2—assuming all the change over the past century were due to CO_2. This, of course, seems unlikely since the bulk of the warming occurred before 1940. Thus, the data neither suggest nor provide support for current warming scenarios. Neither do simple greenhouse considerations. All other factors remaining constant, the equilibrium greenhouse warming, resulting from a doubling of CO_2, is estimated to be between 0.5°C and 1.2°C (Ramanathan, 1981, Lindzen, et al, 1982, Sun and Lindzen, 1992a, Houghton, et al, 1990). These values may seem small, but CO_2 is only a *minor* greenhouse gas. If all CO_2 were removed from the atmosphere, water vapor and clouds would still provide over 98% of the present greenhouse effect. Predictions of larger equilibrium warming depend crucially on positive feedbacks from water vapor, cloud cover, and surface albedo (due to snowcover). Of these model feedbacks, water vapor is by far the largest. As it turns out, the physics of the water vapor budget is largely absent in current models. Indeed, in most (if not all) models the water vapor feedback is readily identifiable with a calculational error. Thus, there is no theoretical basis for the catastrophic warming scenario as well. Indeed, there are reasons to believe the feedbacks are negative, suggesting the equilibrium response to CO_2 doubling may well be much smaller than the direct response (Sun and Lindzen, 1992a,b). Finally, the term 'equilibrium' should be explained. It refers to the response achieved over an infinite time. In point of fact, the actual response time (largely determined by heat transport into the ocean) increases proportionally to the expected equilibrium response (Hansen, et al, 1985). In fact, a model predicting a 4.8°C equilibrium warming for a doubling of CO_2 would only have reached ⅔ of this warming in about 160

years. It is interesting, in this regard, to note that the models examined in the IPCC Scientific Assessment produce warming by 2100 almost equal to the equilibrium response of these to a doubling of CO_2; in these models, however, CO_2 has quadrupled by 2100. Had it only doubled, the predicted warming would have been much less. This is illustrated in Figure 1 where I show the expected warming for models with equilibrium responses to a doubling of CO_2 of 3.6°C and 4.8°C. Such models are at the very high end of the expected responses given by Houghton, et al (1990, 1992). Results are shown for scenario where CO_2 either doubles or quadruples by 2100. In the latter case, fossil fuel reserves will be nearly exhausted.

EXPANDED DISCUSSION

We will expand on some of these points in the remainder of this statement. However, before even discussing 'greenhouse theory', it may be helpful to begin with the issue that is almost always taken as a given: namely, that CO_2 will inevitably increase to values double and even quadruple present values. Figure 2 shows the behavior of CO_2 since about 1800. Before 1958, the record is based on the analysis of ice cores. After 1958, it is based on direct atmospheric sampling. Clearly, CO_2 has been increasing. Prior to 1800 the density was about 275 ppmv (parts per million by volume). Today it is about 355 ppmv. The increase is generally believed to be due to the combination of increased burning of fossil fuels and (mostly before 1905) to deforestation. The total source is estimated to have been increasing exponentially with a characteristic time of 45 years—at least until 1973. From 1973 until 1990 the rate of increase has been much slower. About half the production of CO_2 has appeared in the atmosphere.

Predicting what will happen to CO_2 over the next century is a rather uncertain matter. By assuming a shift toward coal, advances in the third world's standard of living, large population increases, and a reduction in nuclear and other non fossil fuels, one can generate an emissions scenario which will lead to an effective doubling of CO_2 by 2030—if one uses a particular model for the chemical response to CO_2 emissions. This was referred to as the 'business as usual' scenario by the Intergovernmental Panel on Climate Change Working Group I. As it turns out, the chemical model used was inconsistent with the past century's record; it would have predicted that we would already have about 400 ppmv. An improved model developed at the Max Planck Gesellschaft in Hamburg shows the so called 'business as usual' scenario does not even double CO_2 by the year 2100 (Heimann, 1991). As we see from Figure 3, their model shows that under other scenarios, we may not even get much more CO_2 than is already in the atmosphere. Personally speaking, it seems unlikely that the indefinite future of energy belongs to coal. I also find it difficult to believe that technology won't lead to improved nuclear reactors within 50 years. As the IPCC update notes, scenarios are not predictions. Given our present crystal ball technology, predictions for 50–100 years are more than anyone would rationally attempt.

Nevertheless, we have already seen a significant increase in CO_2 which has been accompanied by increases in other minor greenhouse gases as well (methane, chlorofluorocarbons, etc). Indeed, in terms of greenhouse potential, we have had the equivalent of a 50% increase in CO_2 over the past century (Hansen, et al., 1989). The effects of these increases are certainly worth studying—quite independent of any uncertain future scenarios.

Figure 4 shows the common popular presentation of the greenhouse effect. The crude idea is that the atmosphere is transparent to sunlight (apart from the very significant reflectivity of both clouds and the surface) which heats the Earth's surface. The surface attempts to balance this heating by radiating in the infrared. The infrared radiation increases with increasing surface temperature, and the temperature adjusts until balance is achieved. If the atmosphere were also transparent to infrared radiation, then the infrared radiation produced by an average surface temperature of −18°C would balance the incoming solar radiation (less that amount reflected back to space by clouds, etc.). However, the atmosphere is not transparent in the infrared, and so the Earth must heat up somewhat more in order to deliver the same flux of infrared radiation to space. This is what is called the greenhouse effect. The fact that the Earth's average surface temperature is 15°C rather than −18°C is attributed to this effect.[3] The main absorbers of infrared in the atmosphere are water vapor and clouds. As already noted, even if all other greenhouse gases (like carbon dioxide and methane) were to disappear, we would still be left with over 98% of the current greenhouse effect. Nevertheless, it is presumed that increases in carbon dioxide and other minor greenhouse gases will lead to significant increases in temperature. As we have seen, CO_2 is increasing. So are other minor greenhouse gases. A widely held, but (as we have seen) questionable, contention is that these increases will continue along the path they have followed for the past century.

It is worth noting immediately that the simple picture of the greenhouse mechanism is seriously oversimplified. Many of us were taught in elementary school that heat is transported by radiation, convection, and conduction. The above picture only refers to radiative transfer. As it turns out, if there were only radiative heat transfer, the greenhouse effect would warm the Earth to about 77°C rather than to 15°C. In fact, the greenhouse effect is only about 25% of what it would be in pure radiative situation (Lindzen, 1990). The reason for this is the presence of convection (heat transport by air motions), which bypasses much of the radiative absorption. What is really going on is schematically illustrated in Figure 5. The surface of the Earth is cooled in large measure by air currents (in various forms including deep clouds) which carry heat upward and poleward. One consequence of this picture is that it is the greenhouse gases well above the Earth's surface that are of primary importance in determining the temperature of the Earth. This is especially important for water vapor whose density decreases by about a factor of 1000 between the surface and 10 km. Another consequence is that one cannot even calulate the temperature of the Earth without models that accurately reproduce the motions of the atmosphere. Indeed, present models have large errors here (order 50%, Stone and Risbey, 1991, Geleyn, et al, 1983), and, not surprisingly, these models are unable to correctly calculate either the present average temperature of the Earth or the equator-pole temperature distibution. Rather, the models are adjusted (or 'tuned') to get these quantities approximately right.

Having said all this, it is still of interest to ask what we would expect a doubling of CO_2 to do. As already noted, if this is all that happened, we might expect a warming of from 0.5–1.2°C. The general consensus is that such warming would present few if any problems. More important, the climate is a complex system where it is impossible for all other factors to remain constant. In present models, these other factors (commonly referred to as feedbacks) act as destabilizing factors which amplify the effects of increasing CO_2, leading to predictions of warming in the neighborhood of 4–5°C. The most important of these factors in current climate models is due to water vapor. In all current models, upper tropospheric (3–12 km) water vapor, the major greenhouse gas, increases as surface temperatures increase. Without this feedback, no current model would predict warming in excess of 1.7°C—regardless of any other feedback (Arking, 1991). Unfortunately, the way these factors (like clouds and water vapor) are handled in present models is disturbingly arbitrary. In many instances the underlying physics is simply not known. In other instances there are identifiable errors. Even computational errors play a major role. For example, existing models have only 10–20 levels in the vertical, which is inadequate for predicting the behavior of a substance like water vapor which varies immensely with height. The difficulty leads to model predictions of negative water vapor in some parts of the atmosphere. The arbitrary filling routines used to correct this obviously unrealistic behavior play a major role in the model water vapor budgets (Rasch and Williamson, 1990). In fact, there is compelling evidence for all the known destabilizing feedbacks in the models to actually be stabilizing (negative) feedbacks. In that case, we would expect the response to CO_2 doubling alone to be diminished.

The issue of deep clouds (cumulonimbus towers) and water vapor is rather technical; it is also crucial to the issue. These towers are the main mechanism for surface air to communicate with the interior atmosphere. Moist air rises in these towers. As this air rises to levels of lower pressure, it expands and cools (as does refrigerator coolant). As air cools, its capacity to hold water vapor diminishes. The excess water vapor condenses into liquid water or ice (depending on the temperature). In the simplest models of cumulonimbus towers, all the condensed vapor falls out as rain. When the cloud reaches its top altitude (in this simple model), it merges into the atmosphere as saturated (100% relative humidity) air at the cloud top temperature. I had noted (Lindzen, 1990a,b) that as the surface warmed, cloud air would be more buoyant, and would reach higher top levels where the air would be colder and thus hold less water vapor. Hence, the supply of water vapor to the interior atmosphere would be diminished in a warmer climate. However, since water vapor is the main greenhouse gas in the atmosphere, this reduction would act to restrain the warming—i.e., provide a negative feedback. We then undertook two studies to check these ideas. In the first, we used some data showing the descent of the mountain snowlines during the last major glacial period (18,000 years ago, Broecker and Denton, 1989) to see whether the colder atmosphere of those times had more water vapor (Sun and Lindzen, 1992a). Our study showed that almost certainly it did, thus confirming the notion of a negative feedback. Our first study did not, however, tell us what mechanism was actually responsible for the negative feedback. Our second study undertook to examine the atmosphere's water vapor budget in greater detail (Sun and Lindzen, 1992b). Here we confirmed that our original mechanism had a significant problem (This

had been noted by Betts, 1990). Saturated air from cloud tops constituted too small a source to maintain present levels of humidity. The problem, it turned out, was our assumption that all condensed water vapor in the cloud fell out as rain. Significant amounts are, in fact, carried aloft in the cloud and thrown out into the atmosphere mainly as ice crystals (leading to extensive cirrus cloud cover). The main source of water vapor for the atmosphere proves to be falling droplets and ice crystals which reevaporate into the environment. What causes a cloud to loft more water substance is not totally well known, but it appears to be related (not surprisingly) to how fast cloud air is rising. Our first study did, in fact, show why cloud air would rise faster in a colder climate. These results would appear to be in conflict with recent studies purporting to 'prove' positive water vapor feedback on the basis of satellite observations[4] (Raval and Ramanathan, 1989, Rind, et al, 1990). There are many serious problems with both these papers (Minschwammer and McElroy, 1992, Sun and Lindzen, 1992b); however, both share one problem which is fatal. They both assume that water vapor above the turbulent surface layer (approximately the bottom 2 kilometers) is uniquely determined by surface temperatures immediately below. They, therefore, take local surface temperatures determined by geometry and season as surrogates for climate. Unfortunately, over the bulk of the atmosphere (99.9% in the tropics) air is gently subsiding in order to compensate the rapid ascent in the active cumulus towers (which occupy about 0.1% of the area). Thus the air above the surface layer is decoupled from the surface immediately below.

It is commonly suggested that society should not depend on negative feedbacks to spare us from a "greenhouse catastrophe". What is omitted from such suggestions is that current models depend heavily on artificial positive feedbacks to predict high levels of warming. The positive feedback from clouds has been receiving the closest scrutiny. This is not unreasonable. Cloud cover in models is poorly treated and inaccurately predicted (Kiehl and Williamson, 1990). Yet clouds reflect about 75 watts per square meter. Given that a doubling of CO_2 will change the surface flux by only 2 watts per square meter, it is evident that a small change in cloud cover can strongly effect the response to CO_2. The situation is complicated by the fact that clouds at high altitudes can also supplement the greenhouse effect. Indeed, the effect of clouds in reflecting light and in enhancing the greenhouse effect are roughly in balance (Ramanathan, et al., 1989). Their actual effect on climate depends both on the response of clouds to warming, and on the possible imbalance of their cooling and heating effects.[5] Similarly, feedbacks involving the contribution of snow cover to reflectivity serve, in current models, to amplify warming due to increasing CO_2. What happens seems reasonable enough; warmer climates presumably are associated with less snow cover and less reflectivity—which, in turn, amplifies the warming. However, snow is associated with winter when incident sunlight is minimal. Moreover, clouds shield the sun from the surface and minimize the response to snow cover. Indeed, there is growing evidence that clouds accompany diminishing snow cover to such an extent as to turn this feedback negative (Cess, et al., 1990). If, however, one asks why current models predict large warming will accompany increasing CO_2, the answer is mostly the water vapor feedback. Current models all predict that warmer climates will be accompanied by increasing humidity at all levels. As already noted, this behavior is an artifact of the models since they have neither the physics nor the numerical accuracy to deal with water vapor. Recent studies of the physics of how deep clouds moisturize the atmosphere strongly suggest that this largest of the positive feedbacks is not only negative, but very large (Sun and Lindzen, 1992a).

Clearly there are major reasons to believe that models are exaggerating the response to increasing CO_2. Perhaps even more significant, the models' predictions for the past century incorrectly describe the pattern of warming and overestimate its magnitude. Figure 6 shows the global average temperature record for the past century or so. The record is irregular and not without problems. However, it does show an average increase in temperature of about 0.45°C±0.15°C with most of the increase occurring before 1940, followed by some cooling through the early 70's, and a rapid (but modest) temperature increase in the late 70's. Now, as we have noted, we have already seen an increase in "equivalent" CO_2 of 50%. Thus, on the basis of models which predict a 4°C warming for a doubling of CO_2 we might expect to have seen 2°C already. However, if the delay imposed by the oceans' heat capacity is included, the expectation is reduced to about 1°C. This is still twice what has been seen. Moreover, most of what has been seen occurred before the bulk of the minor greenhouse gases were added to the atmosphere. Figure 7 shows what might have been expected for models with differing equilibrium sensitivities to a doubling of CO_2. What we see is that the past record is most consistent with an equilibrium response to a doubling of about 1.3°C—assuming that all the observed warming was due to increasing CO_2. However, there is nothing in the record that can be distinguished from the natural variability of the climate. If one considers the tropics, the situation is even more disturbing. There is ample evidence that the average equatorial sea surface has remained within ±1°C of its present temperature for billions of years (Fairbridge, 1991), yet current models predict average warming of from 2-4°C even at the equator. It should be noted that for much of the Earth's history, the atmosphere has much more CO_2 than is currently anticipated for centuries to come.

In this brief statement, I have barely touched upon numerous and fundamental difficulties with present climate models (Stone, 1992). Rather, I have focussed on the specific reasons for current models to predict substantial global warming from increasing CO_2. It is clear that these reasons are essentially spurious. In addition, there is both observational and theoretical evidence that current predictions are substantially exaggerating the likely warming. None of this constitutes 'proof' that significant warming is impossible, but, in the unlikely event that it occurs, it most certainly will not be for the reasons currently put forth. Much of the debate on how society should respond to the purported danger of global warming hinges on one's interpretation of and response to 'uncertainty'. In point of fact, there is neither observational nor theoretical basis for expecting substantial warming.[6] However, the possibility has been suggested. Whether the absence of a rigorous disproof of the possibility is a sufficient basis for action is a political question. 'Action' under these circumstances does, however, present certain serious problems. Clearly, there will be no way to establish accountability for the effectiveness of any actions taken. Equally clearly, the inclination of society to respond to unfounded suggestions of alleged catastrophe cannot but impede its ability to respond to real problems.

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FOOTNOTES

[1]IPCC refers to the Intergovernmental Panel on Climate Change. This panel is sponsored by the UN's World Meteorological Organization and the UN Environmental Program. The panel consists in members posted by governments. University scientists tend to be very underrepresented—if only because most such scientists have neither the time nor the funds to participate. For example, the recent update involved meetings in Bristol, England, Guangzhou, China, New York and Geneva—all within a six month period.

[2]The update suggests that the expected warming was to some extent cancelled by cooling resulting from cloud brightening by sulfates. The update, therefore, suggests that the past record might be consistent with an equilibrium response to CO_2 doubling of almost 2 °C. While this is also not a catastrophically large warming, the IPCC estimate is based on the work of Charlson, et al (1992) which probably overestimates sulfate loading by a factor of 3–4 (Seinfeld, 1986). We are, therefore, sticking with the 'uncorrected' value of 1.3 °C from the original IPCC Scientific Assessment.

[3]It is interesting to note that these estimates of the greenhouse effect assume that in the absence of greenhouse gases we still have clouds to reflect sunlight. If we were to also assume that in the absence of water vapor there would be no clouds, then the resulting temperature would be approximately the same as it is now.

[4]There is a societal tendency to give credence to results obtained with sufficiently large instruments or computers. I would note that such a bias is totally unwarranted.

[5]Stephens, et al (1990) have noted a serious, and unexplained, difficulty with the contribution of layer clouds to greenhouse warming. Such warming involves heating the bottoms of these clouds leading to convective instability within the layer cloud. The resulting instability is incompatible with the observed lifetime of these clouds.

[6]It is sometimes suggested that the series of CO_2 and temperature obtained for the past 160,000 years from the Vostoc ice core 'proves' the relation between CO_2 and climate. It is clear from these time series that during a period of high CO_2 concentration, a major glaciation set on with CO_2 decreasing after several thousand years. How this serves to prove that CO_2 determines climate is a matter of great bafflement.

STATEMENT OF ROBERT T. WATSON, OFFICE OF SPACE SCIENCE AND APPLICATIONS, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, BEFORE THE COMMITTEE ON ENERGY AND NATURAL RESOURCES, MAY 6, 1992

Dear Mr. Chairman and Members of the Subcommittee, it is a pleasure to be here today to discuss the current scientific understanding of global climate change. I will summarize the key findings of the Intergovernmental Panel on Climate Change (IPCC) 1992 Supplement: Scientific Assessment, which in my view represents the large majority opinion of the national and international scientific community.

There are two parts to the 1992 IPCC scientific assessments: (a) the IPCC (i.e., government) approved supplement of about 20 pages, and (b) a document of about 150 pages that provides the background scientific information for the IPCC supplement. The background document, which was co-authored by about 118 scientists from 22 countries (22 lead authors and 92 contributors), and peer-reviewed by 380 scientists from 63 countries and 18 UN or non-governmental organizations, has three main chapters: (i) Greenhouse Gases; (ii) Climate Modelling, Climate Prediction and Model Prediction; and (iii) Observed Climate Variability and Change. While every attempt was made by the 22 lead authors to incorporate the comments of the peer-reviewers into their chapters, in some cases these formed a minority opinion which could not be reconciled with the larger consensus. Therefore, there are some scientists who still have points of disagreement with areas of the background report. The IPCC 1992 Supplement: Scientific Assessment was prepared by the lead authors of the background document (Working Group I: Scientific Assessment of Climate Change), reviewed by several hundred scientists by mail, and then discussed and finalized at a three day meeting of 130 government representatives, lead authors and other experts from 47 countries and a number of UN and non-governmental organizations in Guangzhou, China in January, 1992.

This testimony has three parts: the major conclusions of the 1992 IPCC Scientific Supplement are reproduced verbatim (Part 1); a description of the current state of knowledge concerning greenhouse gases and their impact on the radiative budget (Part 2); and summary (Part 3).

PART 1: THE MAJOR CONCLUSIONS OF THE IPCC REPORT

Findings of scientific research since 1990 do not affect our fundamental understanding of the science of the greenhouse effect and either confirm or do not justify alteration of the major conclusions of the first IPCC Scientific Assessment, in particular the following:

Emissions resulting from human activities are substantially increasing the atmospheric concentrations of the greenhouse gases: carbon dioxide, methane, chlorofluorocarbons, and nitrous oxide;

The evidence from the modeling studies, from observations and the sensitivity analyses indicate that the sensitivity of global mean surface temperature to doubling CO_2 is unlikely to lie outside the range 1.5° to 4.5°C;

There are many uncertainties in our predictions particularly with regard to the timing, magnitude and regional patterns of climate change due to our incomplete understanding;

Global mean surface air temperature has increased by 0.3° to 0.6°C over the last 100 years;

The size of this warming is broadly consistent with predictions of climate models, but it is also of the same magnitude as natural climate variability. Thus the observed increase could be largely due to this natural variability; alternatively this variability and other human factors could have offset a still larger human-induced greenhouse warming;

The unequivocal detection of the enhanced greenhouse effect from observations is not likely for a decade or more.

There are also a number of significant new findings and conclusions which we summarize as follows:

Gases and aerosols

Depletion of ozone in the lower stratosphere in the middle and high latitudes results in a decrease in radiative forcing which is believed to be comparable in magnitude to the radiative forcing contribution of chlorofluorocarbons (CFCs) (globally-averaged) over the last decade or so.

The cooling effect of aerosols resulting from sulphur emissions may have offset a significant part of the greenhouse warming in the Northern Hemisphere (NH) during the past several decades. Although this phenomenon was recognized in the 1990 report, some progress has been made in quantifying its effect.

The Global Warming Potential (GWP) remains a useful concept but its practical utility for many gases depends on adequate quantification of the indirect effects as well as the direct. We now recognize that there is increased uncertainty in the calculation of GWPs, particularly in the indirect components and, whilst indirect GWPs are likely to be significant for some gases, the numerical estimates in this Supplementary Report are limited to direct GWPs.

Whilst the rates of increase in the atmospheric concentrations of many greenhouse gases have continued to grow or remain steady, those of methane and some halogen compounds have slowed.

Some data indicate that global emissions of methane from rice paddies may amount to less than previously estimated.

Scenarios

Steps have been taken towards a more comprehensive analysis of the dependence of future greenhouse gas emissions on socio-economic assumptions and projections. A set of updated scenarios have been developed for use in modelling studies which describe a wide range of possible future emissions in the absence of coordinated policy response to climate change.

Modeling

Climate models have continued to improve in respect of both their physical realism and their ability to simulate present climate on large scales, and new techniques are being developed for the simulation of regional climate.

Transient (time-dependent) simulations with coupled ocean-atmosphere models (CGCMs), in which neither aerosols nor ozone changes have been included, suggest a rate of global warming that is consistent, within the range of uncertainties, with the 0.3°C per decade warming rate quoted by IPCC (1990) for Scenario A of greenhouse gas emissions.

The large-scale geographical patterns of warming produced by the transient model runs with CGCMs are generally similar to the patterns produced by the earlier equilibrium models except that the transient simulations show reduced warming over the northern North Atlantic and the southern oceans near Antarctica.

CGCMs are capable of reproducing some features of atmospheric variability on intradecadal time-scales.

Our understanding of some climate feedbacks and their incorporation in the models has improved. In particular, there has been some clarification of the role of upper tropospheric water vapor. The role of other processes, in particular cloud effects, remains unresolved.

Climate observations

The anomalously high global mean surface temperatures of the late 1980s have continued into 1990 and 1991 which are the warmest years in the record.

Average warming over parts of the Northern Hemisphere mid-latitude continents has been found to be largely characterized by increases in minimum (night-time) rather than maximum (daytime) temperatures.

Radiosonde data indicate that the lower troposphere has warmed over recent decades. Since meaningful trends cannot be assessed over periods as short as a decade, the widely reported disagreements between decadal trends of air temperature from satellite and surface data cannot be confirmed because the trends are statistically indistinguishable.

The volcanic eruption of Mount Pinatubo in 1991 is expected to lead to transitory stratospheric warming. With less certainty, because of other natural influences, surface and tropospheric cooling may occur during the next few years.

Average warming over the Northern Hemisphere during the last four decades has not been uniform, with marked seasonal and geographic variations; this warming has been especially slow, or absent, over the extratropical north west Atlantic.

The consistency between observations of global temperature changes over the past century and model simulations of the warming due to greenhouse gases over the same period is improved if allowance is made for the increasing evidence of a cooling effect due to sulphate aerosols and stratospheric ozone depletion.

The above conclusions have implications for future projections of global warming and somewhat modify the estimated rate of warming of 0.3°C per decade for the greenhouse gas emissions Scenario A of the IPCC 1990 Report. If sulphur emissions continue to increase, this warming rate is likely to be reduced, significantly in the Northern Hemisphere, by an amount dependent on the future magnitude and regional distribution of the emissions. Because sulphate aerosols are very short-lived in the atmosphere their effect on global warming rapidly adjusts to increases or decreases in emissions. It should also be noted that while partially offsetting the greenhouse warming, the sulphur emissions are also responsible for acid rain and other environmental effects. There is a further small net reduction likely in the rate of global warming during the next few decades due to decreases in stratospheric ozone, partially offset by increases in tropospheric ozone.

Research carried out since the 1990 IPCC Assessment has served to improve our appreciation of key uncertainties. There is a continuing need for increased monitoring and research into climate processes and modelling. This must involve, in particular, strengthened international collaboration through the World Climate Research Programme (WCRP), the International Geosphere Biosphere Programme (IGBP) and the Global Climate Observing System (GCOS).

PART 2: CURRENT STATE OF KNOWLEDGE CONCERNING GREENHOUSE GASES

(i) Influence of greenhouse gases and aerosols on the Earth's climate system

Increases in the concentration of the greenhouse gases will reduce the efficiency with which the Earth cools to space and will tend to warm the lower atmosphere and surface. The amount of warming depends on the size of the increase in concentration of each greenhouse gas, the radiative properties of the gases involved, and the concentration of other greenhouse gases already present in the atmosphere. It also can depend on local effects such as the variation with height of the concentration of the greenhouse gas, a consideration that may be particularly germane to water vapor which is not uniformly mixed throughout the atmosphere. The effect is not a simple one and the balance which is struck between these factors depends on many aspects of the climate system.

Aerosols (small particles) from volcanoes, emissions of sulphates from industry and other sources can absorb and reflect radiation. Moreover, changes in aerosol concentrations can alter cloud reflectivity through their effect on cloud properties. In most cases aerosols tend to cool climate. In general, they have a much shorter lifetime than greenhouse gases so their concentrations respond much more quickly to changes in emissions.

Any changes in the radiative balance of the Earth, including those due to an increase in greenhouse gases or in aerosols, will tend to alter atmospheric and oceanic temperatures and the associated circulation and weather patterns. However climate varies naturally on all time-scales due to both external and internal factors. To distinguish man-made climate variations from those natural changes, it is necessary to identify the man-made "signal" against the background "noise" of natural climate variability.

A necessary starting point for the prediction of changes in climate due to increases in greenhouse gases and aerosols is an estimate of their future concentrations. This requires a knowledge of both the strengths of their sources (natural and man-made) and also the mechanisms of their eventual removal from the atmosphere (their sinks). The projections of future concentrations can then be used in climate models to estimate the climatic response. We also need to determine whether or not the predicted changes will be noticeable above the natural variations in climate. Finally, observations are essential in order to monitor climate, to study climatic processes and to help in the development and validation of models.

(ii) Recent improvements in scientific understanding of the sources and sinks of greenhouse gases and aerosols

During the last eighteen months there have been a number of important advances in our understanding of greenhouse gases and aerosols. These advances include an improved quantitative understanding of the atmospheric distributions, trends, sources and sinks of greenhouse gases, their precursors and aerosols, and an improved understanding of the processes controlling their global budgets.

Atmospheric Concentrations and Trends of Long-lived Greenhouse Gases

The atmospheric concentrations of the major long-lived greenhouse gases [carbon dioxide (CO_2), methane (CO_4), nitrous oxide (N_2O), chlorofluorocarbons (CFCs), and carbon tetrachloride (CCl_4)] continue to increase because of human activities. While the growth rates of most of these gases have been steady or increasing over the past decade, that of CH_4 and some of the halocarbons has been decreasing. The rate for CH_4 has declined from about 29 ppbv/yr in the late 1970s to possibly as low as 10 ppbv/yr in 1989. While a number of hypotheses have been forwarded to explain these observations, none is completely satisfactory.

Sources and Sinks of Carbon Dioxide: The two primary sources of the observed increase in atmospheric CO_2 are combustion of fossil fuels and land-use changes; cement production is a further important source.

The emission of CO_2 from the combustion of fossil fuels grew between 1987 and 1989. Preliminary data for 1990 indicate similar emissions to 1989. The best estimate for global fossil fuel emissions in 1989 and 1990 is 6.0± 0.5 GtC (1 GtC (gigatonne of carbon) equals one billion [one thousand million (10^9)] tonnes of carbon), compared to 5.7 0.5 GtC in 1987 (IPCC, 1990). The estimated total release of carbon in the form of CO_2 from oil well fires in Kuwait during 1991 was 0.065 GtC, about one percent of total annual anthropogenic emissions.

The direct net flux of CO_2 from land use changes (primarily deforestation), integrated over time, depends upon the area of land deforested, the rate of reforestation and afforestation, the carbon density of the original and replacement forests, and the fate of above-ground and soil carbon. These and other factors are needed to estimate annual net emissions but significant uncertainties exist in our quantitative knowledge of them. Since IPCC (1990) some progress has been made a reducing the uncertainties associated with the rate of deforestation, at least in Brazil. A comprehensive, multi-year, high spatial resolution satellite data set has been used to estimate that the average rate of deforestation in the Brazilian Amazonian forest between 1978 and 1989 was 2.1 million hectares (Mha) per year. The rate increased between 1978 and the mid-1980s, and has decreased to 1.4 Mha/yr in 1990. The Food and Agriculture Organization (FAO), using information supplied by individual countries, recently estimated that the rate of global tropical deforestation in closed and open canopy forests for the period 1981–1990 was about 17 Mha/yr, approximately 50 percent higher than in the period 1976–1980.

Despite the new information regarding rates of deforestation, the uncertainties in estimating CO_2 emissions are so large that there is no strong reason to revise the IPCC 1990 estimate of annual average net flux to the atmosphere of 1.6±1.0 GtC from land-use change during the decade of the 1980s.

Since IPCC (1990) particular attention has focused on understanding the processes controlling the release and uptake of CO_2 from both the terrestrial biosphere and the oceans, and on the quantification of the fluxes. Based on models and the atmospheric distribution of CO_2, it appears that there is a small net addition of carbon to the atmosphere from the equatorial region, a combination of outgassing of CO_2 from warm tropical waters and a terrestrial biospheric component that is the residual between large sources (including deforestation) and sinks. There appears to be a strong Northern Hemisphere sink, containing both oceanic and terrestrial biospheric components, and a weak Southern Hemisphere (SH) sink. The previous IPCC global estimate for an ocean sink of 2.0±0.8 GtC per year is still a reasonable one. The terrestrial biospheric processes

which are suggested as contributing to the sinks are sequestration due to forest regeneration, and fertilization arising from the effects of both CO_2 and nitrogen (N), but none of these can be adequately quantified. This implies that the imbalance (of order 1–2 GtC/yr) between sources and sinks, i.e., "the missing sink," has not yet been resolved. This fact has significant consequences for estimates of future atmospheric CO_2 concentrations and the analysis of the concept of the Greenhouse Warming Potential.

Sources of Methane: A total (anthropogenic plus natural) annual emission of CH_4 of about 500Tg can be deduced from the magnitude of its sinks combined with its rate of accumulation in the atmosphere. While the sum of the individual sources is consistent with a total of 500Tg CH_4, there are still many uncertainties in accurately quantifying the magnitude of emissions from individual sources. Significant new information includes a revised rate of removal of CH_4 by atmospheric hydroxyl (OH) radicals (because of a lower rate constant), a new evaluation of some of the sources (e.g., from rice fields) and the addition of new sources (e.g., animal and domestic waste). Recent CH_4 isotopic studies suggest that approximately 100Tg CH_4 (20 percent of the total CH_4 source) is of fossil origin, largely from the coal, oil, and natural gas industries. Recent studies of CH_4 emissions from rice agriculture, in particular Japan, India, Australia, Thailand and China, show that the emissions depend on growing conditions, particularly soil characteristics, and vary significantly. While the overall uncertainty in the magnitude of global emissions from rice agriculture remains large, a detailed analysis now suggests significantly lower annual emissions than reported in IPCC 1990. The latest estimate of the atmospheric lifetime of CH_4 is about 11 years.

Sources of Nitrous Oxide: Adipic acid (nylon) poroduction, nitric acid production and automobiles with three-way catalysts have been identified as possibly significant anthropogenic global sources of nitrous oxide. However, the sum of all known anthropogenic and natural sources is still barely sufficient to balance the calculated atmospheric sink or to explain the observed increase in the atmospheric abundance of N_2O.

Sources of Halogenated Species: The worldwide consumption of CFCs 11, 12, and 113 is now 40 percent below 1986 levels, substantially below the amounts permitted under the Montreal Protocol. Further reductions are mandated by the 1990 London Amendments to the Montreal Protocol. As CFCs are phased out, HCFCs and HFCs will substitute, but at lower emission rates.

Atmospheric Concentrations and Trends of Other Gases That Influence the Radiative Budget

Ozone (O_3) is an effective greenhouse gas both in the stratosphere and in the troposphere. Significant decreases have been observed during the last one to two decades in total column O_3 at all latitudes—except the tropics—in spring, summer and winter. The downward trends were larger during the 1980s than in the 1970s. These decreases have occurred predominantly in the lower stratosphere (below 25km), where the rate of decrease has been up to 10 percent per decade depending on altitude. In addition, there is evidence to indicate that O_3 levels in the troposphere up to 10 km altitude above the few existing ozonesonde stations at northern middle latitudes have increased by about 10 percent per decade over the past two decades. Also, the abundance of carbon monoxide (CO) appears to be increasing in the NH at about 1 percent per year. However, there is little new information on the global trends of other tropospheric O_3 precursors, (nonmethane hydrocarbons (NMHC) and oxides of nitrogen (NO_x)).

Stratospheric Ozone Depletion: Even if the control measures of the 1990 London amendments to the Montreal Protocol were to be implemented by all nations, the abundance of stratospheric chlorine and bromide will increase over the next several years. The Antarctic ozone hole, caused by industrial halocarbons, will therefore recur each spring. In addition, as the weight of evidence suggests that these gases are also responsible for the observed reductions in middle- and high latitude stratospheric O_3, the depletion at these latitudes is predicted to continue unabated through the 1990s.

Sources of Precursors of Tropospheric Ozone: Little new information is available regarding the tropospheric ozone precursors (CO, NMHC, and NO_x), all of which have significant natural and anthropogenic sources. Their detailed budgets therefore remain uncertain.

Source of Aerosols: Industrial activity, biomass burning, volcanic eruptions, and sub-sonic aircraft contribute substantially to the formation of tropospheric and stratospheric aerosols. Industrial activities are concentrated in the Northern Hemisphere where their impact on tropospheric sulphate aerosols is greatest. Sulphur emissions, which are due in large part to combustion effluents, have a similar emissions history to that of anthropogenic CO_2. Estimates of emissions of natural sulphur compounds have been reduced from previous figures, thereby placing more emphasis on the anthropogenic contribution.

(iii) Scenarios of future emissions

Scenarios of net greenhouse gas and aerosol precursor emissions for the next 100 years or more are necessary to support study of potential anthropogenic impacts on the climate system. The scenarios provide inputs to climate models and assist in the examination of the relative importance of relevant trace gases and aeorosol precursors in changing atmospheric composition and climate. Scenarios can also help in improving the understanding of key relationships among factors that drive future emissions.

Scenario outputs are not predictions of the future, and should not be used as such; they illustrate the effect of a wide range of economic, demographic and policy assumptions. They are inherently controversial because they reflect different views of the future. The results of scenarios can vary considerably from actual outcomes even over short time horizons. Confidence in scenario outputs decreases as the time horizon increases, because the basis for the underlying assumptions becomes increasingly speculative. Considerable uncertainties surround the evolution of the types and levels of human activities (including economic growth and structure), technological advances, and human responses to possible environmental, economic and institutional constraints. Consequently, emission scenarios must be constructed carefully and used with great caution.

Since completion of the 1990 IPCC Scenario A (SA90) events and new information have emerged which relate to that scenario's underlying assumptions. These developments include: the London Amendments to the Montreal Protocol; revision of population forecasts by the World Bank and United Nations; publication of the IPCC Energy and Industry Sub-group scenario of greenhouse gas emissions to 2025; political events and economic changes in the former USSR, Eastern Europe and the Middle East; re-estimation of sources and sinks of greenhouse gases (reviewed in this Assessment); revision of preliminary FAO data on tropical deforestation; and new scientific studies on forest biomass. There has also been recognition of considerable uncertainty regarding other important factors that drive future emissions.

These factors have led to an update of the SA90. Six alternative IPCC Scenarios (IS92a–f) now embody a wide array of assumptions, summarized in Table 1, affecting how future greenhouse gas emissions might evolve in the absence of climate policies beyond those already adopted. This constitutes a significant improvement over the previous methodology. However, the probability of any of the resulting emission paths has not been analyzed. IPCC WGI does not prefer any individual scenario. Other combinations of assumptions could illustrate a broader variety of emission trajectories. The different worlds which the new scenarios imply, in terms of economic, social and environmental conditions, vary widely. The current exercise provides an interim view and lays a basis for a more complete study of future emissions of greenhouse gas and aerosol precursors.

Scenario Results

The range of possible greenhouse gas futures is very wide, as the Figure below illustrates (showing only CO_2). All six scenarios can be compared to SA90. IS92a is slightly lower than SA90 due to modest and largely offsetting changes in the underlying assumptions. (For example, compared to SA90, higher population forecasts increase the emission estimates, while phaseout of halocarbons and more optimistic renewable energy costs reduce them.) The highest greenhouse gas levels result from the new scenario IS92e which combines, among other assumptions, moderate population growth, high economic growth, high fossil fuel availability and eventual hypothetical phaseout of nuclear power. The lowest greenhouse gas levels result from IS92c which assumes that population grows, then declines by the middle of the next century, that economic growth is low and that there are severe constraints on fossil fuel supplies. The results of all six scenarios appear in Table 2. Overall, the scenarios indicate that greenhouse gas emissions could rise substantially over the coming century in the absence of new measures explicitly intended to reduce their emission. However, IS92c has a CO_2 emission path which eventually falls below its starting 1990 level. IS92b, a modification of IS92a, suggests the current commitments by many OECD Member countries to stabilize or reduce CO_2 might have a small impact on greenhouse gas emissions over the next few decades, but would not offset substantial growth in possible emissions in the long run. IS92b does not take into account that such commitments could accelerate development and diffusion of low greenhouse gas technologies, nor possible resulting shifts in industrial mix.

Carbon Dioxide: The new emissions scenarios for CO_2 from the energy sector span a broad range of futures. Population and economic growth, structural changes in economies, energy prices, technological advance, fossil fuel supplies, nuclear and renewable energy availability are among the factors which could exert major influence on future levels of CO_2 emissions. Developments such as those in the republics of the former Soviet Union and in Eastern Europe, now incor-

porated into all the scenarios, have important implications for future fossil fuel carbon emissions, by affecting the levels of economic activities and the efficiency of energy production and use. Biotic carbon emissions in the early decades of the scenarios are higher than SA90, reflecting higher preliminary FAO estimates of current rates of deforestation in many—though not all—parts of the world, and higher estimates of forest biomass.

Halocarbons: The revised scenarios for CFCs and other substances which deplete stratospheric ozone are much lower than in SA90. This is consistent with wide participation in the controls under the 1990 London Amendments to the Montreal Protocol. However, the future production and composition of CFC substitutes (HCFCs and HFCs) could significantly affect the levels of radiative forcing from these compounds.

Methane, Nitrous Oxide, Ozone Precursors and Sulphur Gases: The distribution of CH_4 and N_2O emissions from the different sources has changed from the SA90 case. Methane from rice paddies are lower, and emissions from animal waste and domestic sewage have been added. N_2O emission factors for stationary sources and biomass burning have been revised downwards. Adipic and nitric acid have been included as additional sources of N_2O. Preliminary analysis of the emissions of volatile organic compounds and sulphur dioxide suggests that the global emissions of these substances are likely to grow in the coming century if no new limitation strategies are implemented.

(iv) Relationship between emissions and atmospheric concentrations and the influence on the radiative budget

A key issue is to relate emissions of greenhouse gases, greenhouse gas precursors and aerosol precursors to future concentrations of greenhouse gases and aerosols in order to assess their impact on the radiative balance. A number of different types of models have been developed.

Carbon Cycle Models

While there is a variety of carbon cycle models (including 3-D ocean-atmosphere models, 1-D ocean-atmosphere box-diffusion models, and box models that incorporate a terrestrial biospheric sink) all such models are subject to considerable uncertainty because of an inadequate understanding of the processes controlling the uptake and release of CO_2 from the oceans and terrestrial ecosystems. Some models assume a net neutral terrestrial biosphere, balancing fossil fuel emissions of CO_2 by oceanic uptake and atmospheric accumulation, others achieve balance by invoking additional assumptions regarding the effect of CO_2 fertilization on the different parts of the biosphere. However even models that balance the past and contemporary carbon cycle may not predict future atmospheric concentrations accurately because they do not necessarily represent the proper mix of processes on land and in the oceans. The differences in predicted changes in CO_2 concentrations are up to 30 percent. This does not represent the major uncertainty in the prediction of future climate change compared with uncertainties in estimating future patterns of trace gas emissions, and in quantifying climate feedback processes. A simple empirical estimate can be based on the assumption that the fraction of emissions which remains in the atmosphere is the same as that observed over the last decade; i.e., 46±7 percent.

Atmospheric Gas Phase Chemistry Models

Current tropospheric models exhibit substantial differences in their predictions of changes in O_3, in the hydroxyl radical (OH) and in other chemically active gases due to emissions of CH_4, non-methane hydrocarbons, CO and, in particular, NO_x. These arise from uncertainties in the knowledge of background chemical composition and our inability to represent small-scale processes occurring within the atmosphere. These deficiencies limit the accuracy of predicted changes in the abundance and distribution of tropospheric O_3, and in the lifetimes of a number of other greenhouse gases, including the HCFCs and HFCs, all of which depend upon the abundance of the OH radical. Increases in CH_4, NMHCs, and CO all lead to increases in O_3, and decreases in OH, thus leading to an increase in radiative forcing. On the other hand because increases in NO_x lead to an increase O_3 and OH, the net effect on radiative forcing is uncertain.

Atmospheric Sulphate Aerosol Models

The atmospheric chemistry of sulphate aerosols and their precursors has been extensively studied in relation to the acid rain issue. While our understanding of processes related to chemical transformations has increased significantly in recent years, substantial uncertainties remain, especially regarding the microphysics of aerosol formation, interaction of aerosols with clouds, and the removal of aerosol particles by precipitation.

(v) How has our understanding of changes in radiative forcing changed?

Since IPCC (1990), there have been significant advances in our understanding of the impact of ozone depletion and sulphate aerosols on radiative forcing and of the limitations of the concept of the Global Warming Potential.

Radiative Forcing due to Changes in Stratospheric Ozone

For the first time observed global depletions of O_3 in the lower stratosphere have been used to calculate changes in the radiative balance of the atmosphere. Although the results are sensitive to atmospheric adjustments, and no GCM studies of the implications of the O_3 changes on surface temperature have been performed, the radiative balance calculations indicate that the O_3 reductions observed during the 1980s have caused reductions in the radiative forcing of the surface-troposphere system at mid- and high- latitudes. This reduction in radiative forcing resulting from O_3 depletion could, averaged on a global scale and over the last decade, be approximately equal in magnitude and opposite in sign to the enhanced radiative forcing due to increased CFCs during the same time period. The effect at high latitudes is particularly pronounced and, because of these large variations with latitude and region, studies using GCMs are urgently required to further test these findings.

Radiative Forcing due to Changes in Tropospheric Ozone

While there are consistent observations of an increase in tropospheric ozone (up to 10 percent per decade) at a limited number of locations in Europe, there is not an adequate global set of observations to quantify the magnitude of the increase in radiative forcing. However, it has been calculated that a 10 percent uniform global increase in tropospheric ozone would increase radiative forcing by about a tenth of a watt per square metre.

Radiative Effects of Sulphur Emissions

Emissions of sulphur compounds from anthropogenic sources lead to the presence of sulphate aerosols which reflect solar radiation. This is likely to have a cooling influence on the Northern Hemisphere (there is negligible effect in the Southern Hemisphere). For clear-sky conditions alone, the cooling caused by current rates of emissions has been estimated to be about $1Wm^{-2}$ averaged over the Northern Hemisphere, a value which should be compared with the estimate of $2.5Wm^{-2}$ for the heating due to anthropogenic greenhouse gas emissions up to the present. The non-uniform distribution of anthropogenic sulphate aerosols coupled with their relatively short atmospheric residence time produce large regional variations in their effects. In addition, sulphate aerosols may affect the radiation budget through changes in cloud optical properties.

Global Warming Potentials

Gases can exert a radiative forcing both directly and indirectly: direct forcing occurs when the gas itself is a greenhouse gas; indirect forcing occurs when chemical transformation of the original gas produces a gas or gases which themselves are greenhouse gases. The concept of the Global Warming Potential (GWP) has been developed for policymakers as a measure of the possible warming effect on the surface-troposphere system arising from the emission of each gas relative to CO_2. The indices are calculated for the contemporary atmosphere and do not take into account possible changes in chemical composition of the atmosphere. Changes in radiative forcing due to CO_2, on a kg basis, are non-linear with changes in the atmospheric CO_2 concentrations. Hence, as CO_2 levels increase from present values, the GWPs of the non-CO_2 gases would be higher than those evaluated here. For the concept to be most useful, both the direct and indirect components of the GWP need to be quantified.

Direct Global Warming Potentials: The direct components of the Global Warming Potentials (GWPs) have been recalculated, taking into account revised estimated lifetimes, for a set of time horizons ranging from 20 to 500 years, with CO_2 as the reference gas. The same ocean-atmosphere carbon cycle model as in IPCC (1990) has been used to relate CO_2 emission to concentrations. Table 3 shows values for a selected set of key gases for the 100 year time horizon. While in most cases the values are similar to the previous IPCC (1990) values, the GWPs for some of the HCFCs and HFCs have increased by 20 to 50 percent because of revised estimates of their lifetimes. The direct GWP of CH_4 has been adjusted upward, correcting an error in the previous IPCC report. The carbon cycle model used in these calculations probably underestimates both the direct and indirect GWP values for all non-CO_2 gases. The magnitude of the bias depends on the atmospheric lifetime of the gas, and the GWP time horizon.

Indirect Global Warming Potentials: Because of our incomplete understanding of chemical processes, most of the indirect GWPs reported in IPCC (1990) are likely to be in substantial error, and none of them can be recommended. Although we are not yet in a position to recommend revised numerical values, we know, however, that the indirect GWP for methane is positive and could be comparable in magnitude to its direct value. In contrast, based on the sub-section above, the indirect GWPs for chlorine and bromine halocarbons are likely to be negative. The concept of a GWP for short-lived, inhomogeneously distributed constituents, such as CO, NMHC, and NOx may prove inapplicable, although, as noted above, we know that these constituents will affect the radi-

ative balance of the atmosphere through changes in tropospheric ozone and OH. Similarly, a GWP for SO_2 is viewed to be inapplicable because of the non-uniform distribution of sulphate aerosols.

PART III: SUMMARY

It is clear in the 1992 IPCC supplement that these are significant scientific uncertainties associated with our assessment of global climate change. Resolution of these scientific uncertainties will take years to decades even with comprehensive research programs such as the U.S. Global Change Research Program (USGCRP) that are focused on resolving the key IPCC scientific uncertainties; i.e:

Clouds, which control the magnitude of climate change;

Sources and sinks of greenhouse gases and aerosols, which control future atmospheric concentrations, hence the magnitude of climate change;

Oceans, which control the timing and regional patterns of climate change;

Land-surface hydrological processes, which control water availability and regional patterns of climate change;

Cryosphere, which affects sea level rise and regional patterns of climate change; and

Ecological systems, which affect, and are affected by climate change.

The USGCRP will provide the scientific information needed to formulate mitigation and/or adaptation policies.

Consequently, near-term national and international policies will have to be formulated recognizing that these scientific uncertainties exist and that the magnitude and rate of global warming may have been overestimated or underestimated. The scientific evidence for global warming, coupled with the long atmospheric lifetimes of greenhouse gases like carbon dioxide, suggests that the U.S. approach of identifying and implementing energy conservation, energy efficiency, and reforestation measures that reduce net greenhouse gas emissions is prudent.

(Testimony of Michael C. MacCracken, Division Leader, Atmospheric and Geophysical Sciences Division, Lawrence Livermore National Laboratory)

KNOWNS AND UNCERTAINTIES FROM GLOBAL CLIMATE MODELING

Mr. Chairman, members of the Committee, my name is Michael MacCracken. I am Division Leader for Atmospheric and Geophysical Sciences at the Lawrence Livermore National Laboratory in Livermore, California. It is a pleasure and a challenge to be invited before you provide perspective on what is known and not known about the effects of human activities, particularly greenhouse gases, on climate and the environment. My oral presentation will be drawn from my written text, which I request be included in the record. Two written reports and two books of which I was an author or major contributor have also been submitted to the committee staff.[1,2,3]

As Division Leader at LLNL, I oversee a $20M per year research program supported by DOE, NASA, EPA, DOD and other governmental and private organizations, a program that has rather extensive collaborations with scientists in the university community and other laboratories. The primary focus of our efforts is to simulate, understand, and project the consequences to the climate and environment arising from the release of a wide range of substances into the atmosphere. Examples include radionuclides that might be released from accidents at a nuclear reactor or during weapons transport; aerosols released by the Kuwaiti oilfield fires, biomass burning or created by emissions of sulfur oxides; chlorofluorocarbon releases that affect the ozone layer; and emissions of carbon dioxide and other greenhouse gases that affect the climate.

As further background, I was one of the original promoters in 1975 of a carbon dioxide research program in the energy Research and Developmemt Administration (ERDA), the predecessor to the Department of Energy (DOE), and I have been an advisor to their program for about fifteen years, helping provide perspective, interpretation, and integration of scientific results. In 1990, I chaired a multi-laboratory committee of DOE laboratory scientists that prepared the review report Energy and Climate Change[3] at the request of DOE and in support of their preparation of the National Energy Strategy. I currently serve as chief scientist for the Department of Energy's Computer Hardware, advanced Mathematics, and Model Physics (CHAMMP) program[5] This program is working to develop, verify and apply a new generation of climate models that takes full advantage of the new massively parallel computers being developed and applied by the High Performance Computing and Communications Program. I also participated, as a scientific advisor to the U.S. delegation at the IPCC Working Group I meeting in Guangzhou, P.R.C., where I contributed to development of the latest in a series of improving efforts to state the scientific consensus on the climatic effects of greenhouse gases; I commend the report to your attention.[6]

With this background, I want to indicate that, while I have solicited comments on my draft statement from DOE and within LLNL, these views represent my own perspective on the status of scientific understanding of greenhouse gas induced climate change, and, very briefly, on consequent impacts and possible responses.

In thinking about the greenhouse gas issue, it is important to consider separately (1) the direct climatic and chemical effects; (2) the consequent impacts on the biosphere and on human activities; and (3) the possible responses and options to address the climatic effects and environmental impacts in the broader societal and economic context.

It is my belief that mixing of these three aspects of the issue has been an important contributor to the heated debate on this issue. For example, because the issue of impacts is so difficult, there has often been a tendency to jump from the clear indication that the climate is and will be changing to the consideration of policy options. Much of the controversy about the greenhouse issue arises because of differing perspectives among those who make the jump. Those who are cautious about endangering the environment focus on possible extrapolations from what is known. Those who are cautious about endangering the economy focus on the limitations of scientific understanding.[7] Both sides paint what the other side says in extremes (and there always seem to be apocalyptic statements that can be quoted): then each side takes devastating pot-shots at the opposing sides's positions. It should not be surprising then that discourse is filled with differing portrayals of the science or that surveys which ask questions with particular slants or phrasing get differing and divergent results.

In the few minutes that I have available I want to present what I view as the plausible middle ground, a centrist position that arises from our attempt, as one of several major modeling centers around the country, to provide a perspective that integrates across the research done at Livermore and elsewhere, both research and comments supportive and critical of this issue. I offer six tenets on which I believe there is broad agreement, even if there are differences on the quantitative details. For each of these statements, the attachment to my written testimony offers supporting points and appropriate qualifications. I would hope that these aspects could be discussed more fully in the questions and responses that follow. The six tenets on which I believe there is broad agreement are:

1. Atmospheric composition is changing as a result of human activities, with carbon dioxide levels up 25 percent and methane concentrations have doubled since the beginning of the Industrial Resolution and the expansion of agriculture.

2. Atmospheric composition is an important determinant of controls the Earth's temperature and the overall climate.

3. Despite their shortcomings computer models have many strengths and are the best tools available for understanding and projecting climatic change.

4. Model calculations indicate that past and anticipated changes in atmospheric composition are committing the world to significant climatic change. Regional details, however, remain quite uncertain.

5. Although global warming of 0.3 to 0.6°C has occurred, quantitative association of the observed warming with the greenhouse gas-induced climatic change is not yet sufficient to significantly reduce uncertainties about the details of future warming. With the improving quantification of the moderating effects of aerosols on global warming, however, the models and observations are no longer in troubling conflict.

6. Although future warming may be somewhat intermittent due to natural climatic variations induced by volcanic eruptions and air-sea interactions, the warming influences of greenhouse gases over the next several decades are likely to increasingly exceed the cooling influences of aerosols from fossil fuel combustion, of aerosols from biomass burning, and of ozone depletion.

Although not directly the subject of this hearing, what is known and uncertain about climatic effects is often invoked in statements about possible impacts and potential responses. With the set of stipulations about climatic results that I have just enumerated, I would add the following two points about impacts and options:

7. The potential environmental and societal impacts of changes in climate and atmospheric composition are relatively uncertain, due in part to uncertainties in climate model results, in part to poor understanding of impacts and limited development of impact methodologies, and in part to uncertainties about how future society and technology will evolve. Overall, although agricultural productivity may improve in some situations, there will be negative impacts in many regions on water resources, coastal habitats, ecological systems, health, and in many nations with one crop economies.

8. With fossil fuels supplying greater than 80 percent of the world's energy and with the global population growing rapidly, there is no single alternative energy system ready to take over as a global energy source. Developing approaches to energy supply that take advantage of the regional climate characteristics may be an important step in moving

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Footnotes at end of article.

toward a more environmentally sustainable energy system. Research that builds flexibility and a range of energy options would help prepare for the future, as well as being essential for U.S. competitiveness.

SUMMARY

In summary, when evaluations are not overly burdened by either economic or environmental biases, I believe that scientific understanding can be expressed in a way that can be widely supported and that properly express the importance of the problem. There is definitive evidence that human activities are altering atmospheric composition. Model results and paleoclimatic analyses are both consistent with the proposition that past and future changes in composition are and will continue to lead to alteration of the global climate and environment to an extent not experienced by human societies—a 3°C global warming, to which society may be committed by the middle of the next century, last prevailed about three million years ago. While the rate of warming will likely be moderated somewhat over the next few decades by the presence of aerosols, there has been no plausible set of changes proposed or implemented in the models that can make the warming go away.

The research program that has been initiated, which has emphasized a wide set of process studies and observations, will provide important information to help improve our understanding. To help pull all of these new results together, I believe there also needs to be accelerated modeling efforts that focus on development of Earth System models. This task can best be accomplished through expanding activities at major modeling centers where core teams of researchers can be coupled to the focused research conducted by individual scientists and small research groups. Such efforts are starting, but are not yet well funded. With such integrating efforts and with more research on environmental and economic impacts, statements concerning projected changes should become less contentious, assessments will become more complete, and the information base for considering and implementing response options will become increasingly more detailed and useful.

The dilemma that you face is that there is no doubt that the nearly 6 billion people on Earth will cause some climatic and environmental impacts and no doubt that energy and technology are essential to provision of vital services for society. It should not be surprising that these different priorities create controversy and difficulty in facing the challenge of choosing a long-term path that minimizes both environmental impacts and the economic costs. Viewing the development of a flexible set of technological options as an economic opportunity, as some nations are starting to do, may provide a win-win situation.

Thank you.

ATTACHMENT: GLOBAL CLIMATE CHANGE: OVERVIEW OF KNOWNS AND UNCERTAINTIES

1. Atmospheric composition is changing as a result of human activities, with carbon dioxide levels up 25% and methane concentrations having doubled since the beginning of the Industrial Revolution and the expansion of agriculture.

Strong observational evidence demonstrates that human activities are leading to increasing atmospheric concentrations of carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and chlorofluorocarbons (CFC's) and their replacements.

Although details about the deforestation source and the vegetation, soil, and oceanic sinks of CO_2 are not well quantified, the largest uncertainty about future CO_2 concentrations arises due to uncertainties in forecasting future energy use and technologies. There is no doubt that the concentration of CO_2 will continue to increase unless future emissions are reduced by more than 60% below current levels and that the concentration of CH_4 will continue to increase unless future human-induced emissions are decreased 15–20%.[8] The cause of the N_2O increase is less certain, but may be due to increased use of fertilizers to stimulate agricultural productivity.

The best model simulations, which are in reasonable agreement with observations, indicate that the changing concentrations of CFC's, nitrogen oxides, methane, carbon monoxide, and other gases are affecting atmospheric chemistry. Induced changes include depletion of ozone (O_3) in the stratosphere (about 10–40 miles altitude) and enhancement in the troposphere in the Northern Hemisphere (below 7–10 miles altitude). In addition, the CFC's and methane exert a direct greenhouse effect. Sustaining the steady cutbacks in CFC production is essential to alleviating both ozone depletion and to prevent augmentation of greenhouse effects.

The sulfate aerosol concentration is enhanced in the Northern Hemisphere, particularly as a result of industrial and power-generating activities associated with fossil fuel combustion and the resulting sulfur dioxide (SO_2) emissions. These aerosols scatter sunlight back to space and may increase cloud reflectivity. Both of these effects tend to cool the climate (or to moderate warming).

The concentration of light-scattering aerosols in near equatorial latitudes is strongly influenced by emissions from biomass burning; these aerosols may also modify cloud radiative characteristics. Like sulfate aerosols, these apparently tend to cool the climate.

2. Atmospheric composition is an important determinant of the Earth's temperature and the overall climate.

Were there no atmosphere, the Earth's temperature would be like that of the Moon, with exceedingly cold temperatures at night and very warm temperatures during the day. Working with the oceans, the Earth's atmosphere transforms the climate to the much more moderate conditions to which society has become accustomed.

Satellite and laboratory data confirm the ability of water vapor,[9] CO_2, CH_4, CFC's, O_3, and other gases to absorb infrared (heat) radiation emitted from the surface and to re-emit a significant fraction downward, creating a strong warming (greenhouse) effect at the surface. Because of the greenhouse effect, the surface receives about twice as much energy per day from downward infrared radiation as it does from incoming solar radiation.

Increases in the concentrations of these greenhouse gases will enhance the trapping of infrared radiation and its re-emission to the surface. The increased energy at the surface will lead to warming and increased evaporation of surface moisture and ocean waters. The enhanced atmospheric water vapor concentration will further enhance the trapping of infrared radiation and global warming.

Satellite data demonstrate that the ability of clouds to reflect solar radiation tends to moderate somewhat the strong trapping effect of these greenhouse gases. Small changes in cloud cover could contribute relatively large changes in radiative fluxes; such changes could be in either direction so could either amplify or moderate, but not reverse, greenhouse warming. Cloud changes are usually a result of changes in atmospheric circulation, and cloud cover does not simply increase due to increased water vapor in the atmosphere.

Changes in ozone concentration alter the Earth's radiative balance. The depletion in lower stratospheric ozone tends to reduce the greenhouse trapping effect, especially in high latitudes, thereby compensating for at least some of the greenhouse effect of the CFC's that contributed to the ozone depletion.

Light-colored sulfate and biogenic aerosols tend to scatter solar radiation back to space and may alter scattering characteristics or extent of clouds, generally tending to counter the trapping effect of greenhouse gases and moderating their warming effect.

Another human-induced factor that affects the climate is modification of the land surface (e.g., deforestation, agriculture, urbanization, etc.). Such effects have primarily local to regional scale effects.

3. Despite their shortcomings, computer models have many strengths and are the best tools available for understanding and projecting climate change.

There is no comparable or fully understood geological analog of the past that would help in projecting the effects of future changes in atmospheric composition on climate; climate models provide the only viable alternative. However, paleoclimate data do suggest that large variations in the atmospheric CO_2 concentration have been associated with large variations in the Earth's climate. If the climate models are overly sensitive to greenhouse gases, then it would be difficult to explain these large changes in climate, even accounting for changes in the Earth's orbit, in the extent and heights of mountain ranges, in the position and extent of continents, and in the circulation of the oceans.

Climate models are computer-based constructs that seek to encompass our fullest practical and theoretical understanding of the climate system, taking full advantage of the most advanced supercomputers (and soon, through DOE's CHAMMP program, of massively parallel computers). Even with such resources, utilizing the fastest computers, the leading climate models divide up the globe into boxes roughly the size of the states of Colorado or Wyoming and represent the weather within the state (or in a region from San Francisco to Reno) using one value of the temperature, one value of the windspeed, and one value for precipitation. Although clearly inadequate for simulating regional climate conditions, such models do seem to represent many important features of the global climate. Refining resolution is resource intensive: to double the spatial resolution requires about ten times more computer time.

The performance of climate models is checked using a wide variety of tests. For example, studies of critical processes under field and laboratory conditions provide important insights into the representations of atmospheric radiation, cloud interactions, etc. To carry out such verification tests, the U.S. Global Change Research Program sponsors a large number of coordinated field and modeling studies; for example, DOE's Atmospheric Radiation Measurement (ARM) program is set up to gather the needed data and to improve treatment of clouds and radiation. Tests are also made to evaluate model performance in simulating the seasonal cycle, interannual climate variations, and

climatic changes evident in the geological record (e.g., ice age cycling). A series of model vs. model and model vs. data comparison efforts are underway to better understand various aspects of model performance. For example, with DOE support, scientists at LLNL are leading an international comparison of 30 atmospheric models from nine countries,[10] all attempting to simulate the decade 1979 to 1988, which exhibited large seasonal variations of drought, precipitation, etc. The results of this study and of many associated analyses of model performance should become increasingly available in 1993. However, there is no test that can fully and independently check all aspects of the models, so there can and will always be criticisms that the models remain incomplete. Deciding when verification will be sufficient is therefore a very difficult and controversial question.

When model results for the present climate are compared to observations, the climate models generally do well at stimulating large-scale climatic features, particularly during the winter season. The models do less well at simulating the summer season, especially the surface temperatures and the amount and distribution of precipitation. Unfortunately, it is usually regional, summertime climates where rainfall is most important that are of greatest importance in estimating agricultural and ecological impacts.

There has been only limited coupling of atmospheric and oceanic models, and virtually no accounting of the interactions between the climate and the biosphere. This incompleteness makes it difficult to represent adequately the interannual, interdecadal, and slowly changing nature of the climate. Thus, the models cannot yet be used to investigate changes in climate variability, and in the frequencies of extreme events (e.g., droughts, hurricanes), which is often where there is the tightest coupling between climate and society.

4. Model calculations indicate that past and anticipated changes in atmospheric composition are committing the world to significant climatic change. Regional details, however, remain quite uncertain.

Over the past 17 years, calculations with an increasingly comprehensive set of three-dimensional atmospheric and simple ocean models have indicated that a doubling of the reference CO_2 concentration would lead to a global warming of about 1.5 to 5°C (about 2.5 to 9 °F), once the oceans have had a chance to warm (a time of at least several decades). (The IPCC indicates a range of 1.5 to 4.5°C and a best guess value of 2.5°C). Based on paleoclimatic and historical climatic changes, the sensitivity to a CO_2 doubling cannot be significantly less than 1.5 °C or we cannot explain what could have caused past climatic changes; nor can the sensitivity be more than about 5°C or we cannot explain why the global climate is so stable in the face of volcanic eruptions and other changes. Thus, the model estimates are in the proper range if all factors influencing the climate are accounted for. There would also be an intensification of the global evaporation-precipitation cycle by about 5 to 15%.

An atmospheric model intercomparison effort led by scientists at SUNY/Stony Brook and LLNL has identified the representation of cloud-radiation interactions as a primary contributor to the wide range of model estimates of climate sensitivity results. DOE's Atmospheric Radiation Measurement (ARM) program and other agency programs are designed to acquire the data needed to improve representation of the critical cloud-radiation processes.

Despite the uncertainties acknowledged to be present in models, no plausible alternative set of parameterizations and approximations has been able to make significant global warming "go away".

Most models suggest an amplification of the global warming in high latitudes, with the melting back of sea ice disrupting the winter polar temperature inversion; this results in a larger than average, but shallow, warming. Amplified temperature changes in high latitudes are generally consistent with the large polar climatic changes seen in the paleoclimatic record. The recent record of temperature changes in high latitudes, however, does not now show this amplification, which may be pointing to a limitation in the use of equilibrium calculations from models rather than calculations with full, time-dependent models.

Most models suggest up to a few degree warming in a low latitudes. Paleoclimatic data, at least for climatic changes controlled primarily by changes in the Sun-Earth orbital parameters, suggest that low latitude temperatures have been very stable. Research is intensifying on this apparent discrepancy, with the primary focus being on whether models are inadequately representing cloud and convective processes. For this reason, the second ARM field site and other programs are focusing their attention on cloud-radiation processes in the western tropical Pacific. This uncertainty has important policy implications, because without warning in low latitudes (and with a monsoon intensification) the threat of climatic changes may be less of a priority to the large developing nations in those regions. However, other low-lying nations are also particularly concerned about rising sea level.

Although global climate models are not yet constructed to adequately represent regional features, even those as large as the Rocky Mountains and Great Lakes, much less the Sierra Mountains, suggestions have been drawn from the models that continental interiors like the North American corn belt will have more rainfall in winter and less in summer. While plausible, there will remain many significant uncertainties until process representations are improved and grid resolution is refined; model resolution experiments suggest, for example, that large scale atmospheric features are not robustly located until grid resolution is about half of typical values used at present. Thus, estimates of regional scale details should be viewed with considerable skepticism.[11]

5. Although global warming of 0.3 to 0.6°C has occurred, quantitative association of the observed warming with the greenhouse gas-induced climatic change is not yet sufficient to significantly reduce uncertainties about the details of future warming. With the improving quantification of the moderating effects of aerosols on global warming, however, the models and observations are no longer in troubling conflict.

Quantitative association of greenhouse-induced climatic change with observations (often referred to as "detection" of the greenhouse effect) requires both a comprehensive model calculation of the greenhouse effect since the beginning of the Industrial Revolution and a comparable and comprehensive data set. The analysis must then be able to distinguish the greenhouse effect with confidence from the effects induced by other human activities and from noise introduced by natural variations and oscillations.

It has not yet been possible to carry out the needed time-dependent model calculation for several reasons. First, we need to carry out calculation with a full Earth system model that includes the effects of each greenhouse gas individually, and such models are only now being developed and tested. We need to figure out how to represent the effects of other factors affecting the climate, including volcanic eruptions, solar variations, natural oscillations, and other human activities (e.g., SO_2 emissions, biomass burning, land use changes). In lieu of the desired time-dependent calculations with complete models, resort has often been made to interpolation based on the equilibrium sensitivity simulations described above. Preliminary time-dependent simulations have shown, however, that the interpolation approach can give quite misleading results in high latitudes, over ocean areas where deep mixing is occurring, and in estimating land-ocean differences. With such limitations, there has been only limited success in quantitatively relating observed and modeled changes.

The available data sets are generally uncertain and limited in spatial extent and quality before the early 1900's. Shorter data sets are usually not as useful as longer data sets due to the inability to average out natural variability and the effects of other short-term processes, regional variations, etc. it is also often difficult to filter out local inconsistencies introduced by station moves, urbanization, desertification, irrigation, changes in measurement technique, etc.

The global temperature record, as best it can be reconstructed, shows a warming of about 0.3 to 0.6°C since the mid 1800's. Whether some fraction of this warming may be a remaining result of recovery from the Little Ice Age (a cold period lasting roughly from 1450 to 1850 A.D.) to levels typical of the warmer period from about 900 to 1300 A.D. is not certain. The record has not been steady and increasing in intensity in a manner parallel with the changes in greenhouse gas concentrations, as models would suggest. Instead, the record shows relatively short term jumps of about 0.2 to 0.3°C in the 1910s/20s and 1970's/80's. Whether this intermittent warming pattern is indicative of how the real climate changes (this would indicate that our models are inadequate and that future climatic changes may appear as surprises), is indicative of multiple factors affecting the climate (including natural cooling or warming influences), or is due to limitations in the data sets or other factors is uncertain. There are, however, other less apparent changes (including meltback of mountain glaciers, stratospheric cooling, sea level rise, and a precipitation increase) that are generally consistent with there being a long-term global warming. An important difficulty, however, is that we do not adequately understand natural climatic variations, so some of the warming and of the other changes may be part of the natural fluctuations; of course, natural effects could also be of the other sign and temporarily hiding the greenhouse effect.

A simple best-fit reconciliation of the model results and the observational results suggests an equilibrium climate sensitivity to CO_2 doubling of about 1.3°C. It was thus somewhat surprising that the IPCC 1990 report proposed an uncertainty range for CO_2 doubling of 1.5° to 4.5°C such that the best fit through the data was not within their limits; this was done in recognition that some other factor must be acting to restrain the warming. Since the 1990 report, quantitative estimates of the cooling influence of sulfate aerosols from fossil fuel combustion and of

lower stratospheric ozone depletion suggest that they may be playing this role. In fact, when consideration is taken of the potential cooling influences of aerosols from biomass burning and of potential cloud-aerosol interactions, reconciliation with past climate data suggests that the climate sensitivity to greenhouse gases must be near the high end of the IPCC range to explain the warming that has occurred. An aerosol effect of this magnitude would also explain why most of the warming over Northern Hemisphere land areas has been at night rather than during the day. Thus, while the quantitative comparison of model results and observations is only a little more quantitative than a few years ago, the model results and data are currently no longer is obvious troubling conflict.

6. Although future warming may be somewhat intermittent due to natural climatic variations induced by volcanic eruptions and air-sea interactions, the warming influences of greenhouse gases over the next several decades are likely to increasingly exceed the cooling influences of aerosols from fossil fuel combustion, of aerosols from biomass burnings, and of ozone depletion.

Making a prediction of future climatic conditions requires: (1) a prediction of societal energy and land use; (2) a comprehensive model tested against many past climatic situations and recent field experiments and observations; and (3) the ability to project and represent the climatic effects of all possible influences.

All aspects of this process present difficulties that bring to life Neils Bohr's reputed comment that prediction is very difficult, particularly of the future.

The IPCC 1990 report suggested a future rate of warming of 0.2° to 0.5°C per decade if greenhouse gas emissions continued to increase without restriction. The IPCC 1992 report clarifies that this is the expected climate sensitivity to greenhouse gases alone, and that this rate of warming will probably not be realized over the next few decades, and perhaps longer, especially in the Northern Hemisphere, if the emissions of sulfur dioxide continue to increase. Ozone depletion and aerosols from biomass burning may further depress the expected rate of warming from human activities, such that natural climatic variations may even lead to one decade being slightly cooler than the one before. Thus, considering all factors and presuming that natural climatic fluctuations are small, model results would suggest a more modest warming rate, perhaps 0.0 to 0.3.°C per decade averaged over the next few decades, although there is a commitment to the higher warming in the future.

Because the atmospheric lifetime of CO_2 will accumulate in the atmosphere and increasingly exert its warming influence, especially as aerosol precursor emissions from fossil fuel combustion and biomass burning are reduced for other environmental reasons. Thus, the slow global warming rate of recent decades and the limiting of warming to nighttime in the Northern Hemisphere are likely only transitory moderating influences and are dependent on continuing increases in aerosol loading. Depending on such a tradeoff is accepting a philosophy of advertently "geoengineering" the climate.[12]

Changes in precipitation and soil moisture will occur, but there is little agreement among model results. There are strong suggestions, however, that continental interiors may dry out and warm during the summer, and that summer monsoons may intensify. However, regional projections are extremely uncertain and range from changes below to well above the global average change, which itself is quite uncertain.

We cannot be confident that the climate will change slowly and steadily rather than in fits and jumps. Such sudden jumps occurred around 1920 and around 1975 and actually make up most of the warming that has occurred. We do not know if these sudden changes were an indication of a set of separate states of the climate system or resulted from coincident occurrence of two or more other factors. Thus, we should not be complacent that the relatively steady warm climate of the 1980's indicates that the long-term warming rate is low.

7. The potential environmental and societal impacts of changes in climate and atmospheric composition are relatively uncertain, due in part to uncertainties in climate model results, in part to poor understanding of impacts and limited development of impact methodologies, and in part to uncertainties about how future society and technology will evolve.

If that fossil fuel energy and agriculture provide essential life support for society, costs associated with changes in their supply and use would seem to require identification of comparably important costs or impacts from climatic change. Some economic estimates suggest impacts will be zero to a few percent of the U.S. GNP, but it is not clear how to extrapolate costs to other nations (i.e., as a % of GNP, on a per capita basis, etc.). Although uncertain, it is possible to identify major classes of potential impacts and to provide a general sense of potential consequences. It is much harder to put these in the context of the costs of altering or changing energy and agricultural systems and of evolving societal activities and tendencies (e.g., urbanization, technological development, population growth, etc.).

Human Health: The effects of changes in atmospheric composition and climate include increased exposure to warmer temperatures and perhaps increased a real extent of tropical diseases. While CFC's tend to deplete stratospheric ozone, the greenhouse gases together tend to cool the stratosphere, which would slow the gas phase reactions in the upper stratosphere that deplete ozone; at the same time, there may be increased particulate formation that could increase ozone depletion through surface reactions in the lower stratosphere. Overall health impacts are likely negative, but may be modest.

Food and Fiber: With proper soils and fertilizer use, the enhanced CO_2 concentration and longer growing seasons may enhance overall agricultural production, especially in technologically advanced countries, if summer moisture levels do not deteriorate significantly and if the crops can grow faster than the weeds and pests. There would over time, likely be significant changes in cropping patterns, and one-crop countries may suffer severe economic costs as they are forced to try to shift crops. Overall impacts may be positive, but the costs arising from local variations and indirect adaptation effects (e.g., farmers changing crops) may be a significant complication.

Water Resources: Although the global evaporation-precipitation cycle will intensify, it is not certain where and when the increased precipitation will fall and what shifts (involving increases and decreases) in precipitation will occur. Evaporation, however, is likely to increase everywhere. Changes of any kind can be detrimental until adaptation occurs. For example, a rising snowline in California would intensify winter runoff (requiring dams or reduced water retention in reservoirs to protect against flooding) and reduce summer runoff (allowing salt water intrusion and reducing water quality) at the same time warming increases summer demand by urban and agricultural users. The overall effect is likely negative in most areas, at least until management practices and water uses can be adapted.

Coastal Habitat: Sea level will likely rise at a slowly accelerating rate. On ocean islands and atolls, any rise is likely to be detrimental. Around high value property, dikes and levees can likely be built at modest cost, although the potential for damage from storms will rise substantially in low-lying areas. In addition, providing now for some future sea level rise could ameliorate later impacts at modest cost. The Netherlands estimated adaptation costs of about 1% of GNP, but costs might be a much higher fraction in Bangladesh and in island nations. Overall coastal impacts will be negative and generally concentrated in a relatively few hard hit areas.

Ecological Systems: Experience indicates that ecosystems are always changing slowly. Existing systems have adapted roughly to the present climate and an increased rate of climatic change and altered CO_2 concentration will start to induce increasing changes. We do not understand the complex linkages involved (EPA is initiating a program to explore these), but it is very unlikely that all species can adapt to rapid change. The overall effect is likely negative, but uncertain and will quite possibly occur in surprising ways.

In total, although the potential for increased agricultural productivity may suggest a beneficial consequence, impacts on health, water resources, coastal habitats, and ecological systems are almost certainly deleterious, especially if climate change is rapid. While there is no way that a world having a population of 5.5 billion (headed for a doubling) can have zero climate or environmental impact, efforts to slow the rate of climatic change and to reduce the eventual total climatic change could moderate negative environmental consequences.

8. Developing approaches for energy supply that take advantage of regional climate characteristics may be an important step in moving forward a more environmentally sustainable global energy system. Research that builds flexibility and a range of energy options would help prepare for the future, as well as being essential for U.S. competitiveness.

With fossil fuels supplying greater than 80% of the world's energy and with the global population growing rapidly, there is no single alternative energy system ready to take over as a global energy source. Fission, fusion and solar power satellites have major global potential, although they would require many decades and significant capital investment to serve for replacement of old systems and for new systems to handle growth in demand. A flexible and regionally adapted approach may prove most practical.

(a) Wet tropics: Replant deforested areas and encourage growth of a hardwood-based forestry system (reportedly made more practical by new forestry techniques); develop hydroelectric sources for electricity; develop biomass plantations for liquid fuels.

(b) Dry subtropics: Accelerate research, development, and deployment of wind energy systems and dispersed photovoltaic, focusing on an all-electric approach.

(c) Mid-latitude developed countries: Focus on conservation, efficiency improvements,

natural gas as a transition fuel, biofuels, windpower, nuclear for baseload, etc. To go electric, battery and other storage and load shifting technologies are essential.

(d) Large developing countries (e.g., China, and India): These present a significant challenge where all available techniques will be needed. Because it will be very difficult to replace coal as the most economical fuel, promoting efficiency is very critical.

With a breadth of technologies being required, it is essential that the U.S. be investing in research to develop a wide set of alternatives in order to build resiliency and to broaden the set of economically-attractive options that are available. These options will work best if they can be made so cost-effective that they will be the option of choice. Such an effort presents a challenge and opportunity for U.S. industry and such an effort is essential if U.S. industry is to be competitive and hold a major share of the global market in energy technology.

WRITTEN STATEMENT OF MICHAEL C. MACCRACKEN, PH.D. TO U.S. SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, MAY 6, 1992

BIOGRAPHICAL SKETCH

Position

Division Leader for Atmospheric and Geophysical Sciences, University of California, Lawrence Livermore National Laboratory, P.O. Box 808 (L-262), Livermore, CA 94551, (Tel. 510-422-1801).

Current Scientific Leadership Responsibilities

Principal Investigator, LLNL Earth System Modeling Project (1991-present); Chief Scientist, DOE Computer Hardware, Advanced Mathematics, and Model Physics (CHAMMP) Program (1990-present).

Education

B.S. Engineering (1964)—Aerospace and Mechanical Sciences, Princeton University; Ph.D (1968)—Applied Science, University of California Davis/Livermore.

Selected Professional Activities

Member, Commission on Climate, International Association for Meteorology and Atmospheric Physics (1987-present).

Associate Editor, "Journal of Climate" (1988-present).

Member, science team, Climate System Modeling Program, University Corporation for Atmospheric Research (1990-present).

Member-at-large (elected), Section W on Atmospheric and Hydrospheric Sciences, American Association for the Advancement of Science (1991-1995).

Member, subpanel on climate effects, National Academy of Sciences COSEPUP study on "Policy Implications of the Greenhouse Effect" (1989-91).

U.S. Co-chairman, Project 11 (Climate and Climate Change) of U.S./U.S.S.R. Working Group VIII (Climate), (1984-90).

Member, Technical Advisory Panel on Global Climate Change, Environmental Protection Agency (1988-92).

Member, Advisory Panel on Global Change, Electric Power Research Institute (1992-).

Member, Committee on Global Change statement, ASHRAE (American Society of Heating, Refrigeration, and Air Conditioning Engineers), (1992).

FOOTNOTES

[1] "Ten Key Questions Indicating the Level of Current Uncertainty in Forecasting Climatic Change", LLNL report UCRL-ID-106243, February 1991.

[2] "The Environmental Dilemma of Fossil Fuels", LLNL report UCRL-106406, April 1992, copy attached.

[3] "Energy and Climate Change," Report of the DOE Multi-Laboratory Climate Change Committee, Lewis Publishers, Boca Raton, FL, 161 pp.

[4] "Prospects for Future Climate, A Special U.S./U.S.S.R. Report on Climate and Climate Change," Lewis Publishers, Boca Raton, FL, 270 pp.

[5] "Building an Advanced Climate Model, Program Plan for the CHAMMP Climate Modeling Program," DOE report DOE/ER-0479T, December 1990.

[6] Intergovernmental Panel on Climate Change, Working Group I 1992 Supplement, 1992.

[7] Kaula, W.M., and D.L. Anderson, 1991, "What is AGU's Proper Rule in Society?", "EOS, 72," 173.

[8] See Intergovernmental Panel on Climate Change 1990 report.

[9] The water vapor concentration of the atmosphere is determined by surface temperature and atmospheric transport and removal processes. Water vapor is the largest contributor to the greenhouse trapping of infrared radiation; without the trapping of the other gases, however, its concentration would be significantly lower.

[10] The DOE-sponsored Program for Climate Model Diagnosis and Intercomparison (PCMDI) project includes groups from 30 countries: U.S. (15, although some are variants of the same model), Australia (2), Canada (1), China (1), France (2), Germany (1), Japan (2), Russia (3), United Kingdom (2), and European Center for Medium-Range Weather Forecasts (1).

[11] As a consequence, mitigation measures focused on possible local climatic changes should generally be considered only if they are a means of building resiliency to a wide range of possible changes.

[12] M.C. MacCracken, "Geoengineering the Climate", LLNL report UCRL-JC-108014, June 1991.

Mr. WALLOP. Mr. President, Dr. Lindzen and Dr. Watson discuss the scientific disputes on global warming, and Dr. MacCracken discusses the uncertainties of global climate modeling.

I close with the observation I made in the past. The proponents of mandatory caps on carbon dioxide bring their focus on but one of the greenhouse gases. And they would also cap emissions only in industrialized nations.

Under their proposal, carbon dioxide emissions worldwide would still climb unabated, while the economies of the industrialized nations would be restrained by international mandatory controls. This is not only intellectually absurd, but would be politically and economically disastrous to both industrialized and developing countries.

I hope the Senate pays attention to the recommendations of the four eminent scientists, America's meteorological experts, and endorses the President's position in these negotiations.

I yield the floor, and I thank the Chair.

Mr. SIMPSON. Mr. President, Senator GORE rose today to correct my comments regarding what he had said earlier in the week. Two quick points—I note that he referred to my lifelong friend, Senator MALCOM WALLOP as the junior Senator from Wyoming. But I am the junior!

Second, he said the premise upon which I made the "attack" was simply wrong. I stated that Senator GORE had said that most of our big cities were only a half a step behind Mexico City, which was choking on air pollution.

What Senator GORE said was, "most cities in the developing world are no more than a half step behind Mexico City." I assume the confusion may have come about because he also said that most of the megacities of the world are now in the emerging or developing world.

I stand corrected on not quoting him verbatim.

But I do differ with him in characterizing the major premise of my statement. It was not simply Senator GORE's quote—but rather, how appalled and saddened most intelligent Americans must be, of hearing in a constant drum beat from disgruntled Democrats that George Bush has demonstrated a lack of leadership, and that he is somehow to be blamed for all of the present ills of the entire planet—including global warming, the demonstrable proof of which, as I indicated earlier today, is subject to substantial and diverse scientific dispute.

WITHDRAWAL OF MOTION TO PROCEED

Mr. MITCHELL. Mr. President, we have reached a point where we are not able to proceed with respect to the pending legislation. Accordingly, I now exercise my right to withdraw the motion to proceed to the conference report on the omnibus crime bill.

Mr. EXON. Mr. President, reserving the right to object, and inquiring of the majority leader, the Senator from Nebraska had been waiting to make brief remarks pursuant to the earlier statement by the majority leader extending, I believe, until 1:15 morning business. Do I understand that morning business is now being canceled, pursuant to the previous authority granted by the request of the majority leader; is that correct?

Mr. MITCHELL. That is not correct. I have no intention of canceling morning business. As soon as my motion to withdraw and my further statement is completed, morning business will resume and continue until 1:15.

Mr. EXON. Thank you. I have no objection.

The PRESIDING OFFICER. Without objection, the motion is withdrawn.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, on October 25, 1991, the Senate, by unanimous consent, adopted Order No. 89, printed at page 2 of the Calendar of Business of the Senate. Under that order, I have the authority to set a vote on the cloture motion on the motion to proceed to the consideration of S. 250, the National Voter Registration Act, better known as the motor voter registration bill; and following consultation with the Republican leader, as the order requires, I now exercise my right under that order and set the vote on that cloture motion at 1:15 p.m. today.

The PRESIDING OFFICER. The majority leader has that right, and the vote will occur at 1:15.

Mr. MITCHELL. Mr. President, therefore, Senators should be aware that as a result of what has occurred

with respect to the previously pending bill—unfortunately because I had hoped we could complete action on that bill—I have now exercised this right, and we will proceed to the vote on the motion to proceed to the motor voter bill at 1:15 p.m. A vote will begin in 20 minutes. Senators should be on notice of that and be present for that vote. We will then, of course, proceed to the consideration of that bill if the Senate votes to invoke cloture.

I thank my colleagues, the Senator from Wyoming and the Senator from Nebraska.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

I ask unanimous consent that I may speak for not more than 5 minutes.

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

GLOBAL CLIMATE CHANGE

Mr. MURKOWSKI. Mr. President, I think it is important to note, in the initial discussion as to what this administration and this Government is doing with regard to the climatic change, the U.S. Government is spending approximately $1.2 billion on research for global climatic change. That is almost as much as the rest of the whole world is spending, which I am told is about $1.4 billion.

Mr. President, I think we are caught in the quagmire of a catch 22. We cannot confront poverty and population increases without economic growth. However, the engine of economic growth—and that is conventional industrial production; the production of people and resources—could be the cause of pollution and greenhouse gases that may threaten our planet's future. But I want to emphasize "could."

And the expertise on this floor, the expertise of you and I and the rest of our colleagues to make these judgments, is lacking. Because what we need is sound, scientific knowledge from scientists who are willing to put their reputation behind their recommendations. There are too, too few of them, Mr. President; and far too many of us who simply do not know what we are talking about.

There are two sides to this emotional debate.

On one side, we have a group of aggressive, emotional so-called global environmentalists who contend that nothing less than a fundamental restructuring of our economic system, a global redistribution of wealth, a revolution in regulatory policies, lifestyles, and the like, can save us from the devastating realities of global climate change.

On the other side, we have many economists who contend that the tried and true forces, combined with new technological innovations, will curtail pollution and allow continued economic growth.

I do not pretend to know which one is right. I do not pretend to know the scope and extent of global change. I strongly believe this is an area where science must guide the policymakers.

I do know, in my own State of Alaska, we had some climate changes suggesting not global warming, Mr. President, but on the other hand, global freezing—colder temperatures than we have seen in many decades.

Be that as it may, I think it is fair to say we may be momentarily swayed by the emotional arguments of the interest groups on either side of this debate. But in the final analysis, we need hard, scientific information from leading scientists—those, again, who are willing to place their reputations on the line by subjecting their findings to the scrutiny of their peers—before we can transform national and international policy.

And I would beg the scientific communities to come forward and be held accountable, because they are students. They have the background; they have a commitment of a lifetime of study. And if we cannot depend on those recommendations, then who can we depend on? We need the scientific communities to explore the economic impact of global climate change with the emphasis of scientific research on that change.

There is a great deal that we do not know about our planet and its climate system. It is not a new problem. Back in 1981, I sponsored my first bill in the body with the assistance and cosponsorship of the late Senator Henry Jackson, from the State of Washington, a beloved member of the Energy Committee on which I serve. The act we wrote, known as the Arctic Research in Policy Act, contained one of the first statements of national policy related to global change. The act recognized that Arctic conditions "directly affect global weather patterns and must be understood" and that "industrial pollution not originating in the Arctic collects in the polar air mass [with the] potential to disrupt global weather patterns."

Even though Congress recognized this more than a decade ago, we have yet to develop a comprehensive climate model that illustrates how the Earth's climate system works both today and in the past. We have not yet determined the magnitude of observable climate change attributable to industrial production.

But, Mr. President, there is some hope. Good science is underway that is going to provide us with some of these answers. These are going to be scientific answers.

Let me share with you one example. There is an extremely important ice-coring project in Greenland under contract with scientists from the University of Alaska in Fairbanks. These scientists are drilling to the base of the Greenland ice sheet. They are going more than 11,000 feet deep through solid ice. Once completed, we are going to have a high-resolution, historical record of temperature, precipitation, atmospheric chemistry, and other climatic information dating back as far as 175,000 to 200,000 years.

Now, the theory of this is rather interesting because in this ice is the climatic history of the world, changes in the ozone, volcanic activity, El Nino, global-warming trends, and temperature changes that suggest a lower temperature as well. The ice core is like the rings of a tree. And when they sample this, they can tell what happened during each year. It is compressed in the ice. These scientific measurements are being taken at this time. They are approximately halfway through that drilling, and we will be able to go back and look at the analysis based on sound, scientific, factual history of what has happened in the world for the last 150,000 to 200,000 years.

As opposed to responding to whomever in this body or in a committee makes the most eloquent speech relative to supposition on what may or may not be happening, I encourage my colleagues to recognize the significance of going back and getting sound scientific knowledge to reinforce the decisions that we appropriately have to make in this body. But it should be made on the basis of those who know, who are students, and who make recommendations and back it up with their reputation.

In addition to this kind of open science, Mr. President, there is a potential to declassify and release information from intelligence and military assets that may provide scientists with new information related to global change.

As vice chairman of the Select Committee on Intelligence, I am working with Director Gates, Senator NUNN, Senator GORE, and others to accomplish this task to give the scientists all the tools they need to answer the questions we are asking them.

Mr. President, I think that, as a consequence of this science, we can and should look to this body of information for decisions relative to this area.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may speak for not more than 3 minutes as if in morning business.

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

The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI, pertaining to the introduction of S. 2676 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $3,880,040,440,844.90, as of the close of business on Tuesday, May 5, 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 capital basis, every man, woman, and child owes $15,105.72—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?

PRESIDENT'S ANNUAL POINTS OF LIGHT AWARD TO GALILEAN HOME MINISTRIES AND STUDENTS FOR APPALACHIA

Mr. FORD. Mr. President, I had the pleasure last week of sitting down with Jerry and Sandy Tucker of Liberty, KY, and David and Jennifer Sawyer of Berea, KY. These fine folks were in Washington to accept the President's Annual Points of Light Award on behalf of their respective organizations, Galilean Home Ministries and Students for Appalachia. Unfortunately, Stormy Otis, a Berea student selected by her peers to represent SFA at the awards ceremony, was unable to sit in on the meeting.

Galilean Home Ministries in Casey County got its start over 20 years ago when Jerry and Sandy Tucker adopted a child and then gave birth to two girls of their own. In the past two decades, their family has grown to include 23 other children whom they have legally adopted as well as 300 others whom they have cared for. Many of these children are handicapped or have come from abusive homes.

Recently, the Tuckers initiated Born Free to care for the children of women in the Lexington, KY, Federal Medical Center. Women there are not allowed to keep their babies with them, but because of the efforts of Galilean's Born Free project, they are able to spend time with their children twice a week. Galilean has cared for more than 25 babies under this program so far.

Students for Appalachia [SFA] is a student community service program of Berea College. As many of you may know, Berea has long been an innovator in higher education—students are charged no tuition, but they are expected to work for their education. And the college's emphasis on giving back one's gifts to the community has always been a top priority.

SFA is but one example of Berea's commitment to volunteerism. Approximately 100 of Berea's 1,500 students are involved with SFA projects, which are geared to address the needs of the people of southeastern Kentucky. Under the Partners in Prevention initiative, for example, black college students serve as mentors and tutors to black high school students in the inner city of Richmond. Through GO [Girls Only], 4 students provide group mentoring to 15 at-risk teenage community girls. A summer day camp provides 2-week camp programs for 12 weeks each summer. The list goes on.

David Sawyer's grandfather, Ed Warinner, a former State senator, was fond of saying, "What we do for ourselves alone dies with us. What we do for others and the world lives on and is immortal." Mr. President, Galilean Home Ministries and Students for Appalachia are perfect illustrations of that maxim—they have established traditions of selfless giving that will go on long after we are all gone. I know that I speak for all citizens of the Commonwealth when I say that we are proud of them and what they stand for.

TELEPHONE PRIVACY ACT OF 1991

Mr. ADAMS. Mr. President, I rise today in support of S. 625, the Telephone Privacy Act, introduced by the distinguished Senator from Wisconsin [Mr. KOHL].

As telecommunications technology continues to develop at a rapid pace, consumers benefit. Simply through the ownership of a telephone, an individual has access to innovative, high quality telecommunications services.

For example, a telephone service offered in the Seattle area enables individuals to shop for prospective homes by phone. This is an important service, especially for people who are confined to their homes or who are limited in their mobility. SureFind, which operates a fully interactive telephone classified advertising system, allows callers to obtain information on homes for sale that meet their specifications on location, price, and other criteria.

Caller ID is another telecommunications service recently made available to consumers. This service permits a call recipient to identify the number of the person placing the call. This service has substantial merit; however, I am concerned that its unrestricted implementation could invade the privacy of telephone callers.

S. 652, the Telephone Privacy Act of 1991, responds to my concern to protect callers from the release of their telephone number. With S. 652, callers are given the choice to determine whether their telephone number will be displayed on a caller ID box. Prior to placing a call, an individual may choose to block the caller ID system and, in doing so, would protect his or her privacy. This bill will allow phone users, including police, battered women, government whistleblowers, and others, to use the phone without fear that their phone numbers, identities or the location of where they live or work will be compromised.

S. 652 not only requires that consumers be given the option of blocking the caller ID system, it also mandates that this option be offered free of charge.

Mr. President, I would urge other members of this body to join me in supporting this legislation to establish important nationwide standards to protect the privacy of all telephone users.

ELECTIONS IN KURDISTAN

Mr. KERRY. Mr. President, May is a month of spring, of hope, and of rebirth. So too in Northern Iraq, the month of May holds promise for the birth of democracy. On May 17, the Kurdish people of northern Iraq will hold an election for a regional legislative assembly. This election will mark the first ever genuinely democratic election in the history of Iraq.

Sadly, this election represents only a small step forward, for the Kurdish people of northern Iraq still face a serious threat from Iraq's brutal dictator, Saddam Hussein. Saddam's military forces continue to impose a total economic blockade of the Kurdish areas of Iraq and have continued to engage in military attacks against Kurdish villages.

It may well be only the presence of United States, British, and French airpower and the establishment of a protection zone that has prevented Saddam Hussein from implementing a policy of virtual genocide against the Kurdish people in northern Iraq.

Despite this terrible situation, the Kurds in Iraq have not given up. They are seeking to hold the first ever democratic elections and establish a Kurdish legislative assembly. The government of Iraq has withdrawn all civil administration from northern Iraq, and the Kurds are seeking to establish a legitimate, elected government to handle civil administration, and other governmental responsibilities.

Mr. President, the election in Kurdistan, Iraq, is an important event and deserves the recognition and support of the United States and the international community. The Kurdish people in Iraq have seen their rights violated and their legitimate aspirations denied for far too long. They deserve

our admiration for their courage, their willingness to embark upon the democratic path against great odds, and their determination to stand up against Saddam Hussein.

THE PASSING OF SENATOR GEORGE LLOYD MURPHY, 1902–92

Mr. MACK. Mr. President, I rise today in remembrance of a former Member of this body, a veteran, an entertainer, an actor, and most of all, a very dear friend of mine. On Sunday, George Lloyd Murphy, who served as a Senator from the State of California, died in Palm Beach, FL.

Before Senator Murphy served the people of California in the U.S. Senate, he had a distinguished career that included four Broadway productions and some 45 motion pictures. He was twice elected president of the Screen Actors Guild and organized entertainment personnel for the Armed Services during World War II. I guess you could also give him credit for paving the way for another California actor turned politician, who became President of the United States.

My friendship with Senator Murphy began when I decided to run for the U.S. Senate. During that election George gave me advice, lent me support, and offered me a helping hand. For this, I am truly grateful.

From his days on Broadway, in Hollywood, and on the floor of the U.S. Senate, George Murphy was a gentleman, a family man, a statesman, and a great American who richly contributed to American culture and history.

It has been said that everyone will eventually have 15 minutes of fame in his life. All Americans are blessed that George Murphy's moment in fame not only lasted 15 minutes, but an entire lifetime. For this we as a nation are truly blessed.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, the Senate will mometarily vote on the motion to invoke cloture on the motion to proceed to the motor-voter bill. The time for morning business will expire in less than 1 minute. I simply want to announce that we will then, if cloture is invoked, proceed under the cloture rule with respect to that measure, and I will then later today, later this afternoon, following the vote, consult with the distinguished Republican leader and be prepared to announce to the Senate our schedule for the remainder of the week and thereafter if cloture is invoked.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL VOTER REGISTRATION ACT—CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

George Mitchell, Harry Reid, John Glenn, Terry Sanford, Wendell Ford, Richard Bryan, J. Lieberman, Herb Kohl, Carl Levin, Paul Wellstone, Frank Lautenberg, Howard Metzenbaum, Dennis DeConcini, Timothy E. Wirth, Daniel K. Akaka, Alan J. Dixon.

CALL OF THE ROLL

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

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 250, the National Voter Registration Act, shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from California [Mr. SEYMOUR] is necessarily absent.

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

The yeas and nays resulted—yeas 61, nays 38, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—61

Adams	Ford	Mikulski
Akaka	Fowler	Mitchell
Baucus	Glenn	Moynihan
Bentsen	Gore	Nunn
Biden	Graham	Packwood
Bingaman	Harkin	Pell
Boren	Hatfield	Pryor
Bradley	Heflin	Reid
Breaux	Hollings	Riegle
Bryan	Inouye	Robb
Bumpers	Jeffords	Rockefeller
Burdick	Johnston	Sanford
Byrd	Kennedy	Sarbanes
Conrad	Kerrey	Sasser
Cranston	Kerry	Shelby
Daschle	Kohl	Simon
DeConcini	Lautenberg	Wellstone
Dixon	Leahy	Wirth
Dodd	Levin	Wofford
Durenberger	Lieberman	
Exon	Metzenbaum	

NAYS—38

Bond	Gorton	Nickles
Brown	Gramm	Pressler
Burns	Grassley	Roth
Chafee	Hatch	Rudman
Coats	Helms	Simpson
Cochran	Kassebaum	Smith
Cohen	Kasten	Specter
Craig	Lott	Stevens
D'Amato	Lugar	Symms
Danforth	Mack	Thurmond
Dole	McCain	Wallop
Domenici	McConnell	Warner
Garn	Murkowski	

NOT VOTING—1

Seymour

The PRESIDING OFFICER. If no one else wishes to vote, on this vote the yeas are 61, the nays are 38. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which cloture was invoked.

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

The motion to lay on the table was agreed to.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. DECONCINI. Mr. President, I ask unanimous consent that I be permitted to speak on a subject matter not related to the bill but that the time run on the pending legislation.

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

Mr. DECONCINI. I thank the Chair.

THE LOS ANGELES VERDICT

Mr. DECONCINI. Mr. President, like most Americans, I am deeply saddened by the events that took place in Los Angeles over the past week. I am outraged at what happened. As people think about it more and more, that verdict was astounding based on what we knew, and what was pretty demonstrative evidence. The not guilty verdict simply did not square with what was seen across this land time after time after time over many, many months.

That videotape told what happened. We were not in the jury room to make that decision, and I do believe our judicial process normally works well. But in this case, certainly a mistake was made.

Fifty-six baton blows to Rodney King's body in a period of 81 seconds is not made-up evidence. It is factual. So what I cannot understand, and what most Americans cannot comprehend, is how 4 trained police officers could not have subdued a single suspect without resorting to 56 baton blows in a period of less than a minute and a half.

When an all-white jury of 12 pronounced that this brutality was acceptable behavior—that is what they said—it is incomprehensible and obviously raises rage in anybody's heart and mind.

I have been a strong supporter of the law enforcement community since being elected to the Senate. Before that I was a prosecutor. I come to the Senate to talk about this without bias toward the police. The vast majority of our law enforcement officers are honest, well trained, disciplined men and women who understand that they cannot and they do not abuse a citizen's right, even when the citizen has allegedly committed a crime.

Most of our law enforcement people are decent, honorable, professionals who feel as anybody else does, and as I do, that the four police officers who were indicted in Los Angeles brought dishonor to their profession.

Like most Americans, I was equally appalled by the events that transpired in Los Angeles and in the other cities around this country and even in Canada in the wake of the verdict. The wanton killings, beatings, lootings, and willful destruction of property cannot be justified by any rational standard, even an unjust verdict, in my eyes or in those of the majority of the public.

These actions were as reprehensible to decent, law abiding citizens as was the brutal beating of Rodney King. And it raises a real question why the Los Angeles Police Department did not respond sooner.

I watched one television show where Chief Gates was asked a question by residents as he was walking through the neighborhood with Leslie Stahl. They said, "Chief, how long would it have been had these people marched through Brentwood or Santa Monica? How many hours, how many days before we would have seen the force that finally came out 2½ days later in this neighborhood? Of course, there was no answer to that question. Something went wrong. The officials of Los Angeles, and of that State will have to deal with that. We also have to deal with it.

Acts of violence cannot be tolerated no matter why they are perpetrated or what verdict might come down. We are a society of law and order. We must and we will recognize people's rights. If they are not recognized, it is up to the law enforcement community to be there with whatever force is necessary.

Now that the dust is settling, and law and order appear to be restored, the finger pointing has begun.

President Bush, that is right, blames it on the past urban agenda of the 1960's. Give me a break. Enact his agenda? You know what this President and his predecessor have done to urban programs that affect the quality of life of people who live in the inner cities. He wants to blame the Great Society. I remember the Great Society. I was the first representative of the State of Arizona sent by the Governor of Arizona to come back here and get the first funds available under the War on Poverty for work-related training programs in the city of Phoenix.

How sad and ludicrous it is to point the finger at those programs today—almost 30 years later—and say this is the reason that lawlessness broke out; that this is the reason that close to 60 people have died so far, and that close to $1 billion in damage to property has occurred.

Why can we not admit that some of the Great Society's programs did not work as they were supposed to because they are administered by human beings? But they did not all fail. What happened in Los Angeles or may happen someplace else is not the fault of those programs. Head Start was one of those programs. It still is in effect. The President supports it. It works. The WIC Program works. We cannot blame this problem in Los Angeles on the Women, Infants, and Children Program. It just is not right.

Why is it so difficult for us to admit that we all share in the blame for the decay and the disintegration of the inner cities? We do. I do. We share in the blame by closing our eyes to the underlying cause of the poverty and despair in our inner cities. We share in the blame by closing our eyes to racism, by closing our eyes and being tolerant of things that we know in our heart are wrong.

We cannot do that. We share in the blame by not providing the health, education, housing, and job training services that those locked up in the inner city need so desperately to break the cycle of poverty and be productive citizens.

The President cannot abdicate all responsibility for the tragic events in Los Angeles. He cannot preach personal responsibility and exempt himself from accountability.

Since 1981, under the Reagan-Bush and the Bush-Quayle administrations, financial aid to our cities has been slashed by 63 percent. Can the President not admit that these reductions may, in fact, have had some impact on the deep feelings of neglect among citizens in the poverty areas?

Let me just list a few of the programs that have suffered since reductions over the last 11 years while President Bush was there. Subsidized housing that went primarily to inner-city poverty areas has been reduced over the last 11 years by 82.7 percent. Maternal and child health care funds have been reduced by 4.2 percent. Community development block grants have been reduced by 39.3 percent. Community service block grants reduced by 45 percent, social services block grants by 38 percent. Training and employment services, which train people for jobs so they can be productive, by 61.5 percent, and the National Service Corps by 30 percent. And revenue sharing has been eliminated.

I am sorry to have to admit that early on in the Reagan administration I voted for some of those reductions because we were told that cutting programs coupled with a tax cut, would provide an economic recovery plan for every American. The President asked for our support—and this Democrat said yes, I am going to support him—to give every American a chance to have an opportunity—lower taxes on everybody, but particularly the rich, and this will cause an economic growth and economic development. It did not.

As early as 1982, we were in a recession, and we have seen the disparity talked about on this floor, and written about in almost every major newspaper of how the rich have gotten richer, the middle class has shrunk, and the poor have gotten poorer. These figures demonstrate how bad it is.

These cuts would have been even larger had the administration had its way. The fact is that they were nevertheless reduced, with the concurrence of the majority of the Congress, which started us down this slippery slope. I plead guilty of supporting those reductions early on. I regret it. I take my share of the blame. But I will be darned if I am going to stand here and have the President of the United States get away with statements that say this problem goes back 25 years, when we were trying to help people help themselves.

Had these reductions not all been made, our urban areas might not be what they are today. Maybe they would not be perfect. I doubt that they would be. But maybe there would be some hope, instead of the despair that permeates these communities today.

Of course, they have poverty. Poverty has increased by 2 million in the past year alone. So people say, "Well, throwing money at problems, Senator, does not get you anything."

I am not talking about throwing money; I am talking about training programs, job programs, about housing for poor people. Yes, I am talking about a subsidy.

The President has asked us in the Congress to spend $12 billion of the American taxpayers' money to boost the currency of the Republic of Russia, so those people can have a better standard of living, so their currency can be convertible on the world market, so they can have some acceptability in the world economy. I am not going to vote for it, not until we see some responsibility with respect to our own people. Besides that, we cannot afford it; we are broke.

Tragically, one out of every five children now lives in poverty in this great land. Representing a State like Arizona, with the largest number of native Americans living on reservations, a

Hispanic population of almost 19 percent, and a black population of 3 percent, I am very acutely aware of the problems facing our minorities.

I am distressed when I see services to these hard-pressed communities diminishing year after year, and poverty levels increasing. Is it any wonder that these communities distrust the commitment of their Government in Washington, DC, to help solve their problems? That distrust should come as no surprise to any of us. We can do better.

We are Americans. We believe in helping other Americans. We even help people who are not Americans. How many times have we come to the rescue of people such as in Ethiopia in the mid-1980's when we saw on our television screens children and women and men dying of starvation at the rate of 80 per day? Before our Government responded, the people of the United States responded from their pockets, and through churches and nongovernmental organizations, and came up with over $350 million in assistance.

I was privileged to go to Ethiopia and see that aid being delivered, stamped "United States of America Food Products,"—distributed through Mother Teresa and World Vision and other nongovernmental organizations which is keeping people from dying, because we felt for those people. We should have that same feeling for Americans.

I submit that we do. The healing process must begin. We must first get beyond the rhetoric we are hearing from the President of the United States and his representatives who are speaking on television, trying to shift the blame toward Democratic programs of the sixties.

Rather than handouts, we must look at those programs that did work, and try to promote those and create new initiatives. We must consider these efforts as investments in human resources. That shift of attitude can only occur with leadership from the President and the White House. That change can only occur if the President and his campaign aides desist from the Willie-Horton-type ads.

The President cannot veto civil rights legislation, as he did twice in the last 6 months, and expect credibility within the communities that are affected by discrimination. You cannot have it both ways. You cannot veto, time and time again, minimum-wage legislation, which would help people rise out of poverty, and have credibility. If the healing is to begin, the President must cease from perpetuating negative stereotypes of our poor and our minority Americans.

It is the President who should be pointing out that many of our Government programs make good economic sense, and work. It is the President who should be educating the American public that for every $1 spent in Head Start, $6 in special education, public assistance, and crime costs are saved; that every $1 spent in the prenatal care of poor women and infants and children in the WIC Program saves $3.38 in health care costs for low-birth-weight babies. That is a fact; not something that the Senator from Arizona is making up. He should be pointing out that every $1 spent on immunizations saves $10 in treatment costs for those who did not receive immunization.

Why is the President not pointing out one or two programs that need more funding, like the WIC Program, which covers only about 55 percent of those eligible in this country? If we can talk about $12 billion to help the Republic of Russia, we ought to be talking about $2.8 billion to feed poor women, infants, and children, and give them prenatal care. Would anybody disagree with that?

Why is that not happening? Unfortunately, portraying recipients of public assistance as lazy, as welfare cheats, as moral misfits, and as criminals is politically popular. It has zero political risk. It provides simple-minded explanations for very serious problems. But it is not the truth. Rather than being a party to perpetuating these negative stereotypes, we ought to rise up and express moral indignation and outrage when we hear these unfounded attacks.

If the President chooses to lead, regardless of the political costs, I am convinced that the American public will follow. It will take political and moral courage to embark on this desperately needed course of action. But embark we must. If we do not, the racial and class divisions in this country will deepen and widen and violence in our cities will become more and more commonplace. We can and must avoid that outcome. Let the dialog begin. Let us listen to the angry voices in our inner cities. Let us hear what they say. Let us begin the task of restoring hope for the hopeless, jobs for the jobless, health care to the poor, better schools and teachers and parks to our inner city youth, and economic opportunity to the disadvantaged and disenfranchised.

Let the dialog begin about what are you going to suggest, Mr. President, to this country? I know we want a better moral standard for every American. We want greater family values. Mr. President, you have stood in the way of passing child care legislation, finally agreeing to it. You stood in the way of passing legislation on parental leave, minimum wage, and civil rights. Though you have agreed to some of those, a lot of people were hurt over the 2- or 3-year period that it took to pass such legislation.

So let us listen to those angry voices in the inner cities. Let us hear what they say. They are not looking for cash or handouts. They are looking for a fair, equal playing field, as every American is. They are looking for jobs. They are looking for training. They are looking for health care for their children and families. Where do you suppose those 37 million Americans live who have no health care? You can be darn sure that almost everyone in the inner cities falls into that category. They are looking for better schools, for higher paid teachers, for safe streets, for community centers, for clean streets. They are looking for opportunities, just as everyone else is.

Mr. President, it is a sad day for the United States, but I believe, as I think most people do, that we are a country of strength, a country of good moral character. We know when mistakes have been made here. And though it is a Presidential year and elections are not the best time to always be forthright and candid, but now this would be a good time for all the candidates, particularly the President of the United States, to come forward with some concrete proposals. And if they happen to cost a little money, let us talk about it, let us not be afraid. We can enter into a budget agreement and pretend, as we did last year, that we were going to reduce the deficit by $500 billion when, in fact, we have the deficit which is going to be $399 billion this year, the year it was supposed to go down. I think it is time the American people want it said straight and played straight. I challenge the President to challenge the Congress.

Let us talk about a bipartisan war on poverty. As to the success of the war in the Persian Gulf, the President deserves credit for mobilizing the entire country and the entire international community and winning a war against somebody that needed to be defeated. Now is the time for President Bush to come forward with a program that mobilizes this country to bring equality, to bring hope, and to bring some jobs and housing to our urban poor. Yes, we are going to have to spend some money, and I think it is important that we do that. I hope the President comes back from his trip to Los Angeles with a program instead of the famous Bush finger pointed at the 1960's.

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

The PRESIDING OFFICER (Mr. DODD). The clerk will call the roll.

The assistant 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.

MORNING BUSINESS AND ORDER FOR RECESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators BIDEN and BREAUX permitted to speak therein, and that, upon the com-

pletion of Senator BREAUX's remarks, the Senate stand in recess until 3:30 p.m., and that all time between now and then count toward cloture.

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

Under the previous agreement, the Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I seek only 5 minutes of the Senate's time.

THE CRIME BILL

Mr. BIDEN. Mr. President, I think that although the legislation we are considering now or attempting to consider is very important, there is an urgent problem that is facing this Nation. The most graphic example of the problem was what took place in Los Angeles in the violence that erupted by a small minority of people responsible for that violence in Los Angeles.

We have a serious crime problem in this Nation. We have at the desk a conference report, which is a fancy Senate term meaning that this is a crime bill that the House of Representatives has passed, and all it requires is for our Republican friends to allow us to get to a vote on that crime bill and, within probably 1 hour and 15 minutes, the President of the United States of America, who says he wants a crime bill, could have it on his desk, signed, and become law immediately. Significantly increasing the amount of assistance to local police forces, significantly increasing the organizational structure as well as the financing of antigang efforts, significantly increasing the power of the Attorney General to respond to police brutality, significantly changing the landscape in the criminal justice system, much of which is targeted specifically to the type of event that occurred in Los Angeles, although when we wrote the bill we did not have Los Angeles in mind because we wrote the bill last year. We passed it last year. The House of Representatives approved the conference report last year. And since last year, since last October, our Republican friends have not allowed us to vote on it.

Mr. President, yesterday our friend from Texas, Senator GRAMM, came to the floor and introduced a crime amendment to the caller identification bill that we were discussing and talked about the need for a crime bill. So, the leader immediately did what is privileged to the leader. He called from the desk, for our immediate consideration, this conference report that is sitting there that every police agency in America, every cop says we need and supports. Notwithstanding the extensive pressure put on them by the administration not to support it, they still support it. So, I figured at least finally everyone has come to their senses and we are going to get to vote.

Now we are back in a state of limbo. Are they going to let us vote on this conference report when we get back to the bill after we get off this one, or what are we going to do? I respectfully request all of my colleagues, Democrat and Republican alike, to take another look at that conference report and see how much in it is specifically tailored to and designed for circumstances that they are all coming to the floor speaking about right now. The police need help. They need more training. We need a police corps. We need to send more of them to college, the whole range of things that we need that the President says we need, that is sitting in the bill right now.

And so I hope when we dispose of this legislation, Mr. President, my friends on the Republican side will, when we get back to it—which I understand is the business we revert to when we get back to the conference report on crime—they would finally let us vote—and the votes are there, Mr. President; there are more than 50 Members of this Senate who are for that conference report including Republicans—let us vote on that crime bill so we can send to the President, 15 minutes after the rollcall is started, a comprehensive crime bill that has in it everything the President of the United States is asking for relative to the plight of police in our inner cities and, conversely, the plight of people who are victimized by the few unscrupulous police that are in some of the police forces in some of the cities.

I yield the floor Mr. President. I thank you for your indulgence.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Senator from Louisiana is recognized.

Mr. BREAUX. Thank you very much Mr. President.

I am very pleased to follow the distinguished chairman in his remarks about the need to take action. I think his advice to the Members of the Senate is well taken and we should heed it.

COMMUNITY POLICING PROGRAM

Mr. BREAUX. Mr. President, when American citizens fight American citizens in the streets and cities of America, all of America truly hurts!

When we see buildings, stores, and homes intentionally torched and looted, even citizens beaten unconscious, and watch it all reported worldwide on television, all of us know that something in America is very wrong.

When we watch over and over again, men who are sworn to protect citizens as police officers, beat a person unmercifully, and then have our judicial system say, "that's OK that's how it is done"—we know that something is very wrong.

When we then see our political leaders responding to these wrongs by seeking to blame everybody else without offering positive solutions to solve our problems, all America also knows that is wrong.

Today, when many citizens see police they have never met move into their neighborhoods, they see an enemy, not a friend. Rather than cooperate, they fight back; rather than side with the law enforcer, they side with the law violator.

In Los Angeles, too many otherwise uninvolved honest citizens became criminals themselves when they joined the rioters and looters rather than siding with police in protecting their own neighborhoods.

They viewed police as the enemy, not part of the solution. They viewed police not as protecting all Americans but as protecting the haves from the have nots.

Mr. President, the Democratic Leadership Conference [DLC], which I chair, held our annual conference in New Orleans this past weekend. Discussions were positive, even though we all were acutely aware of the depression that surrounded conditions in Los Angeles.

Let me suggest one idea the DLC has been promoting—the concept of community policing.

New York City's Police Commissioner Lee Brown has established an outstanding Community Policing Program, and it is working. It has produced, for the first time in 36 years, an across-the-board decrease in every major crime category in the Big Apple. Commissioner Brown's plan involves the people directly affected by crime in defining the problems, developing strategies, deploying resources and evaluating the results.

Commissioner Brown has made police part of the community, not the enemy of the people. His idea is a citizen-police partnership to prevent crime and improve the quality of life in America's neighborhoods.

Let me suggest that there is plenty of blame to go around. Many conservatives have argued that you stop crime by building more prisons and jails, appointing tougher judges, and imposing mandatory sentences.

Many liberals have suggested on the other hand, that we need to spend more money, start some new programs, go back to the old ideas and try them again.

Congress must respond, not with blame and old ideas and programs, but with new ideas and a new direction. We should immediately pass legislation creating a national police corps, a ROTC-style program to offer college scholarships and police training in return for a reciprocal commitment for 4 years of work with a police department in their neighborhood after graduation.

This innovative approach will not only create thousands of much-needed jobs for our youth, it will guarantee a better-educated and better-trained police force. This legislation aims at supplying State and local police forces with 100,000 college-educated police officers within 5 years—an increase of

more than 20 percent of total force levels and 40 percent of total patrol units.

Focusing on community policing offers a progressive alternative to the dangerous irrelevance of traditional liberal excuse-making about crime and the equally dangerous inaccuracy of conservative myth-making about how to stop it.

Our solutions cannot be blame-driven. We must reject the us-against-them philosophy of the 1980's—the results have been disastrous.

The American people want to hear no more excuses from politicians. They want results.

Let us all join in a bipartisan effort. Let us all begin with the creation of a national community policing program and give our neighborhoods back to our American citizens.

RECESS UNTIL 3:30 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 3:30 p.m.

Thereupon, the Senate, at 2:28 p.m., recessed until 3:31 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. FORD].

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Kentucky, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

NATIONAL VOTER REGISTRATION ACT

MOTION TO PROCEED

Mr. FORD. Mr. President, once again, the Senate has the opportunity to consider S. 250, the National Voter Registration Act of 1991, a bill which I have sponsored with the senior Senator from Oregon [Mr. HATFIELD]. As many of my colleagues are aware, this is not the first time that the Senate has had the opportunity to consider this bill. In July 1991, we had two cloture votes on a motion to proceed to the bill. We fell short one vote necessary to invoke cloture. After those votes, I made a statement on the Senate floor that we would consider this bill again. I want to express my appreciation to the majority leader for his support to this bill and for giving us this opportunity.

What does this bill do?

REGISTRATION PROGRAMS

Establishes national voter registration procedures for elections for Federal office.

States shall establish procedures to permit voter registration:

First, simultaneously with application for a driver's license;

Second, by uniform mail application; and

Third, by application in person, either at an appropriate registration office, or at a Federal, State, or private sector location—agency-based registration.

This bill does not apply to States without registration or States with same day registration.

REGISTRATION ADMINISTRATION REQUIREMENTS

This bill prohibits purging for nonvoting, requires that the name of registrant may only be removed from the list of eligible voters at the request of the voter; by reason of criminal conviction, or mental incapacity, or by reason of death or change of residence.

The bill provides that any State program or activity to protect the integrity of electoral process by ensuring an accurate and current voter registration roll must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965. The State must conduct a general program that makes a reasonable effort to remove the names of ineligible voters by reason of death or a change of residence. The State must complete such a program at least 90 days before a Federal election.

No State may remove the name of a voter from the rolls due to a possible change of address unless the registrant confirms in writing or has failed to respond to a mail notice and has not appeared to vote in two Federal general elections following the date of the notice.

Where a registrant has failed to respond to such a notice, and the voter has moved to an address within the same polling place, the voter may correct the record and vote with oral or written affirmation of change of address. If the voter has moved to a new address in a new polling place, and within the same registrar's jurisdiction and congressional district, that voter may go to the former polling place and correct the record and vote with oral or written affirmation of new address or at a centrally designated location where a list of eligible voters is maintained with written affirmation. If permitted under State law, such a registrant may vote at the appropriate polling place and such a State would not be required to provide a centrally designated location.

Following the Senate's consideration of motor-voter in July, newspapers across the Nation called on the Senate to reconsider this bill. These editorials expressed support for the bill because they saw what I have always believed—that the motor-voter bill is good for democracy. Here is what a few of those editorials said:

The New York Times:

> * * * government ought to do all it can to fight voter apathy, not accept it as a given. The motor voter bill honors representative government.

The Los Angeles Times:

> It's not certain which side of the aisle would have the most to gain from the passage of this proposal. But one sure winner would be democracy.

And from the Pittsburgh Post-Gazette:

> This increasingly mobile nation has left too much to chance in enrolling people in the democratic process. In an era of fast food, instant gratification and see-it-now TV, it's appalling that government requires people to jump through hoops and scale ladders to register to vote. What the United States needs is an active voter-registration policy, one that is bent on including people rather than leaving certain ones out.

Mr. President, it is clear that the support for S. 250 is not based on whether this bill will support any particular political party or ideology. Rather, this support is based on the simple fact that this bill is good for democracy. S. 250 will open the way for millions of eligible citizens to have the opportunity to vote. It will not force them to vote. But will give them the opportunity to vote.

Mr. President, there are already a number of States which have made the change to motor-voter. And while the Senate has been considering motor-voter as a national policy, Montana, New Mexico, West Virginia, Oregon, and Texas have joined the growing list of States by adopting motor-voter this year. Today, 26 States and the District of Columbia have motor-voter. Fourteen other States have had or are currently considering similar legislation.

Mr. President, if there is one fact that should concern every American citizen who believes in the democratic process it is this: In the 1990 elections, only 36 percent of eligible citizens voted. This is the lowest voter turnout since 1942. Voter participation has been steadily declining since 1960. I am convinced that this decline can be reversed by removing the complicated barriers of registration. Turnout of registered voters in Presidential elections is about 80 percent—which demonstrates that eligible voters who are registered to vote, vote. That is why I introduced the motor-voter bill. Under this bill, you can register to vote at the same time you apply for or renew your drivers license, by mail, or at many public offices.

Motor-voter registration is cost efficient. The District of Columbia recently adopted motor-voter at the cost of 6 cents per registered voter. Critics argue that States will have to pay millions of dollars to computerize their registration lists. These cost estimates are outrageously inflated. The fact is

that almost 92 percent of registration lists in the country are already computerized.

Some of my colleagues on the other side of the aisle argue that we shouldn't be concerned with low voter turnout because it is a sign of public contentment.

If anybody can tell me today that the public is content with what is going on in this country, that person has been disconnected from his or her constituency. The public is not content. We need to give them an opportunity to exercise their right under the Constitution of this great land of ours and make it easier.

But if you believe that, you must also believe every eligible citizen who wished to vote was registered but chose not to vote. The reality is that nearly 40 percent of eligible citizens are not registered. Low voter turnout is not an indication of contentment but is a result of restrictive registration practices.

But, Mr. President, the system supported by some of these same critics actually punishes registered voters—because if you don't vote, your name will be removed from the registration lists and you have to reregister. With motor-voter, almost 90 percent of all eligible citizens will be registered and able to vote. And under this bill, you remain registered even if you don't vote.

Citizens were once denied the right to vote by poll taxes and literacy tests. When those restrictions were removed, citizens were still prevented from voting because they were confronted by complicated registration procedures. But some people think it is a good idea to have those restrictions. I have heard it said in a number of statements that current registration procedures are good because only so-called informed voters get to vote. But who decides who is an informed voter? Is this not another form of a literacy test?

Is it the intent of the opponents of this legislation to achieve through archaic and confusing registration procedures that which they cannot achieve through outlawed practices such as poll taxes and literacy tests?

Mr. President, the purpose of elections in this country is to determine the will of the majority. This bill will knock down the confusing and restrictive registration practices which continue to frustrate the right to participate in our democracy.

Opponents of this legislation argue that this bill will increase voter fraud. Mr. President, this is just not true. If it was true, 26 States would not be participating in motor-voter. This bill includes procedures proven to prevent fraud and protect the integrity of the system. And, this bill makes voter fraud a Federal crime with stringent criminal penalties.

Motor-voter is not going to force people to vote if they are frustrated by the candidates or the issues. But, it will correct the problem by knocking down the registration procedures which are frustrating people from getting to the ballot box.

This bill will not guarantee an increase in voter participation, it will increase the pool of eligible voters and give those who wish to participate in our democracy every opportunity. Of that much, I believe we can be sure.

Mr. President, I urge my colleagues to join me in supporting democracy by supporting S. 250.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the junior Senator from Kentucky [Mr. MCCONNELL].

Mr. MCCONNELL. Mr. President, this is becoming a rather familiar scene: The Senate is about to waste its time on yet another lengthy debate, discussing an issue that hardly anyone in America cares one bit about, wrangling over a partisan bill that is destined to be vetoed by the President and that veto will be sustained.

One of the points that we have been trying to make on this side of the aisle is that we would hope the Senate might use its time on measures that are genuinely, clearly to the benefit of large numbers of Americans who would like for us to deal with legislation that they feel has a direct bearing on their future.

While crime and despair erode our inner cities, while our Federal budget deficit rages out of control, while families are holding down two or three jobs to make ends meet, while our tort liability system destroys U.S. competitiveness—what are we doing here?

The U.S. Senate is discussing whether to force States to adopt an expensive, complicated, fraud-promoting voter registration system.

I cannot think of any better analogy to Nero fiddling while Rome burns than this bill being on this floor at this time.

So why are we, Mr. President, spending our time on this bill?

The other side gave the answer in some closing remarks that accompanied passage of the conference report on S. 3—the Democrats' taxpayer financing bill—another partisan bill which the President will shortly veto, and the veto will be sustained.

In those remarks, the other side expressed shock, genuine shock that we perceived their campaign finance bill as part of a larger partisan agenda: a troika of Democrat-sponsored measures that would redraw the political playing field to their advantage. According to the other side's own analysis, the three legs of this troika were: taxpayer financing, motor-voter registration, and then destruction of the Hatch Act.

Yes, Mr. President, the "motor-voter" bill does have a lot in common with the other two legs of the so-called troika:

Its support divides mostly, once again, along party lines; it will cost the taxpayers a bundle; and it is just another one of the many politically motivated—but politically correct—measures that we have come to expect around here. In other words, they are frauds masquerading as reform.

As we have seen with the other side's campaign finance bill, these proposals are not merely worthless, but they actually pose considerable danger to cherished American freedoms and institutions: like the first amendment, the electoral process, and non-partisan Government.

Despite these dangers, however, and despite many more pressing issues facing this country, we continue to grind our gears and waste our time on these arcane, inside-the-beltway, highly divisive proposals.

Of course, we will hear speeches from the other side that motor-voter is the answer to all the problems that face America. Voter turnout? Motor-voter.

Disaffected public? Motor-voter.

Anti-incumbency? Motor-voter.

Global warming? Motor-voter.

Cannot find a parking place downtown? Motor-voter is the answer to all of that.

Obviously, Mr. President, that is ridiculous, but the most extreme suggestion of motor-voter is that it is a cure-all for everything happened the other day:

When the likely Democratic nominee for President was in riot-torn Los Angeles the other day, he offered his list of solutions and right near the top was motor-voter registration. Mr. President, what in the world does motor-voter registration have to do with riots in Los Angeles?

No, it was not dire unemployment or failed social programs or discrimination or rampant crime that produced the multiple tragedies in Los Angeles, it was the lack of motor-voter registration.

Perhaps this bill was mentioned because the likely Democratic nominee believes it will help his party rise from the ashes of national defeat in Presidential elections. It certainly is not going to help Los Angeles rise from the ashes of the riot.

But regardless of the partisan effects of motor-voter, there are many bipartisan reasons to oppose this bill, and I think we ought to go over several of them.

Excessive cost, election fraud, and perhaps most important of all, ineffectiveness.

What I am about to say may shock some tender ears, Mr. President. It is certainly not politically correct:

But the so-called motor-voter bill is a solution in search of a problem.

There are a few courageous people out there who have openly stated that relatively low voter turnout is a sign of a content democracy. Low voter turnout is not necessarily indicative of a Nation in decline or a democracy on the rocks.

Charles Krauthammer expressed this view eloquently last year in an editorial for Time magazine. Krauthammer said:

* * * when almost every pundit wrings his hands in despair at low voter turnout—some even feel obliged to propose creative schemes to induce people to vote—I am left totally unmoved. Low voter turnout means that people see politics as quite marginal to their lives, as neither salvation nor ruin. That is healthy. For a country founded on the notion that that government is best that governs least, it seems entirely proper that Americans should register a preference against politics by staying home on Election Day.

Mr. Krauthammer went on to say the following:

A few weeks ago, a producer from public television came to ask my advice about planning coverage for the 1992 elections. Toward the end, she raised a special problem: how to get young adults interested in political coverage. I offered the opinion that 19-year olds who sit in front of a television watching politics could use professional help. At that age they should be playing ball and looking for a date. They'll have time enough at my age to worry about the mortgage and choosing a candidate on the basis of his views on monetary policy.

He went on to say:

To say that, of course, is to violate current League of Women Voters standards of good citizenship. Let others struggle valiantly to raise the political awareness of all citizens. They will fail, and when they do, relax. Remember that indifference to politics leaves all the more room for the things that really count: science, art, religion, family and play.

In another well-reasoned, intelligent article, James Kilpatrick argued:

It seems to be taken for granted that a massive turnout of voters on election day is a good thing, a wholesome thing, an altogether splendid thing. Registering to vote is seen as a civic virtue. I view these assumptions as piffle.

Noted political analyst George Will observed in a Washington Post column on September 5:

***low turnouts often are signs of social health. Low political energy can be a consequence of consensus about basics. When society is not driven by deep fissures about fundamental questions, nonvoting may be passive consent, reflecting contentment.

Many potential voters abstain because electoral outcomes do not determine the shape of their lives. Which is the way it should be: In a good society, politics is peripheral to happiness.

Mr. President, like those observers, I do not advocate low turnout, I just recognize it for what it is. And also what it is not. It is not the most pressing issue of our time.

There is considerable irony in the professed horror of my colleagues across the aisle at low political participation. The Democrat's campaign finance bill that recently passed Congress blocks citizens from participating in the process via limited and disclosed contributions to the candidates of their choice. To completely force individual citizens from campaigns, 39 Democrats voted last year for full taxpayer funding of general election campaigns.

Moreover, Mr. President, by killing the Democrat's campaign finance bill, Republicans have done more to preserve voter participation and turnout than this motor-voter bill could hope to create. The Democrat's campaign finance bill virtually shut down the political parties ability to conduct grassroots political activities like voter registration and get-out-the-vote drives—so-called soft money activities.

Mr. President, curiously, the Democrats bill did nothing about labor union soft money—the real sewer money in the system.

And Democrats ask what Republicans are afraid of?

I ask my colleagues across the aisle—what are Democrats afraid of? A fair fight?

If there is a sincere desire on the part of Democrats in increasing political participation by all Americans—not just those labor unions can cram into buses on election day—then they will join Republicans in passing a campaign finance reform bill that increases competition and public interest in politics.

You will join Republicans in strengthening the political parties ability to register voters and get them out to vote on election day. You will join Republicans in freeing up the political parties so that they can print and distribute millions of bumper stickers and run advertisements letting voters know there is a clear choice and a reason to vote on election day.

Mr. President, Samuel Popkin, a professor of political science at the University of California San Diego and author of "The Reasoning Voter: Communication and Persuasion in Presidential Campaigns" published an op-ed to this effect in the Washington Post of December 1, 1991. Mr. Popkin wrote:

* * * critics are once again calling for reforms that would curb campaign advertising and spending to protect gullible Americans from the spiritual pollution of political snake-oil merchants.

The fact is, our campaigns aren't broken, and don't need that kind of fixing. Voters are not passive victims of mass-media manipulators, and it is dangerous to assume that low-key 'politically correct' campaigns would somehow eliminate the power of the visceral image. Restricting television news to the MacNeil/Lehrer format—and requiring all the candidates to model speeches on the Lincoln-Douglas debates—won't solve America's problems.

David Duke, loathsome and frightening though he may be, is neither an argument that campaigns don't work nor that campaign advertising should be restricted. In fact, Louisiana voters knew all about Duke's racist and antisemitic causes; Duke was able to communicate his message just as effectively—perhaps more effectively—in interviews and debates.

Reformers say they want to turn down the volume, discuss more important issues and turn out more voters—worthy goals but also contradictory. Decorous campaigns will not raise more important issues. Neither will they mobilize more voters nor overcome offstage mutterings about race and other social issues. It was not worthiness and refinement that got 80 percent of Louisiana's voters to turn out.

If government is going to be able to solve our problems, we need bigger and noisier campaigns to rouse voters.

(Ms. MIKULSKI assumed the chair.)

Mr. McCONNELL. I might say, Madam President, the Louisiana Governor's race is worth focusing on. An 80 percent turnout. Why did they turn out? Because the election made a difference. They were intensely interested in it, and voters will turn out when they think there is an election in which something is truly at stake.

Professor Popkin discusses at length the forces that campaigns must overcome to get their message out. Forces spawned by special interest politics, an array of media outlets, and an expanded primary system have complicated the task of conveying a coherent message.

Consequently, according to Professor Poplin:

* * * if we really want to increase voter interest and participation—as well as the capacity of government to tackle our problems—the best strategy may well be to increase our spending on campaign activities that stimulate voter involvement.

In this regard, it is important to note the clear relation that exists between turnout and social stimulation. There is, for example, a large gap between the turnout of educated and uneducated voters; married persons at all ages vote more than people of the same age who live alone; and much of the increase in likelihood of voting seen over one's life is due to increases in church attendance and community involvement.

As for the argument that America already spends too much on elections, the fact is that American elections are not costly by comparison with those in other countries.

And in conclusion, he states:

Before we attempt to take the passions and stimulation out of politics we ought to be sure that we are not removing the lifeblood as well. Ask not for more sobriety and piety from citizens, for they are voters, not judges; offer them instead cues and signals which connect their world with the world of politics. The challenge to the future of American campaigns—and hence to American democracy—is how to bring back the brass bands and excitement in an age of electronic campaigning.

Madam President, for the interest of Senators who support the taxpayer-funded spending limits bill and the motor-voter bill before us, I would like to make an observation about my State.

The 1986 and 1990 Kentucky Senate races show the correlation between

spending and voter turnout. Both the 1986 and 1990 Kentucky Senate races were off-year elections, yet 239,000 more voters turned out in 1990 than in 1986—a 35-percent increase.

Madam President, it is not coincidence that the 1990 race was more expensive, competitive, and offered a clear choice between two ideologies.

Some of my colleagues will be pleased to know that 1996 may well be another lively election year in Kentucky as Ralph Nader recently vowed to pit his 501(c) groups against me in my next election. He is perturbed that I have fought his pet taxpayer-funded bill. Well, if he gets his way and the Democrats campaign finance bill ever becomes law, taxpayers may be paying for my campaign to counter his independent expenditures. Would that not be ironic?

OTHER COUNTRIES

In support of this bill, we hear passionate speeches about higher voter turnout in other countries. Voices boom: "Even the Soviet Union had a higher turnout in their Presidential election this summer than we did in '88."

Of course, in the Soviet Union and Eastern Europe, democratic elections are a novelty.

Penalties also are an effective incentive. Italy, Austria, and Belgium have the highest turnout among western democracies. They also punish non-voters. Americans have the right not to vote without fear of reprisal. It is very different.

I repeat, Madam President, in some of these democracies that are pointed to with interest, with envy, you are either participating in an election that is a novelty—because they have not had one in the case of the Soviet Union for maybe 1,000 years, if ever—or they are democracies in which you are penalized for not voting, which is quite common, by the way, in Central American countries.

The General Accounting Office studied this issue and noted that:

> The imposition of relatively small fines or other penalties can have a major impact on voter turnout. Austria, Belgium and Venezuela impose fines or other penalties for failure to vote.
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> In Italy, the nonvoter may have his name posted outside the town hall, and his identification papers may be stamped: "Did not vote for five years."
>
> It is widely assumed that Italian nonvoters are subject to discrimination in employment and other benefits. Not surprisingly, Italy has the highest voter turnout among the industrialized democracies, even though it ranks very low in political satisfaction and other attitudinal variables that facilitate voting.

It is not because they are happy about politics in Italy that they vote, but they know they are going to get punished if they do not.

The average voter turnout is about 10 percent higher in countries with penalties for not voting. The casual relationship between penalties and voting is fairly well established. For example, when two nations changed their laws on penalties for failure to vote, their turnout changed accordingly. In 1960, Costa Rica introduced penalties for failure to vote, and voter turnout subsequently increased by 15 percent.

In 1971, the Netherlands eliminated all penalties for not voting. Participation then fell by 16 percent. So some of these countries that are being pointed to with envy are countries in which you get penalized if you do not vote. It has a remarkable impact on turnout.

In Australia and New Zealand, failure to vote is a misdemeanor. This is a great idea. Go after those nonvoters, make them subject to criminal penalties. If voter turnout is such a concern, it is pretty clear how they do it in other countries. They make criminals out of them when they do not vote. What a terrific idea.

Of interest to those who blame our campaign finance system and voter disgust for low turnout, GAO observed that:

> A popular explanation of our low and still declining voter turnout is that, unlike citizens of other democracies, Americans have become alienated from the political process. This argument assumes that Americans increasingly believe that politicians cannot be trusted and that the government is unresponsive, ineffectual, or even corrupt. Sometimes the alienation is attributed to historical events that have occurred since the mid-1960's, such as the Vietnam War and the Watergate scandal.
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> While this is a plausible explanation, it is not supported by cross-national research on voting-related attitudes. Interest in politics, attention to political affairs in the media, and individual political efficacy are consistently higher in the United States than in the European democracies. Moreover, U.S. citizens are more likely than citizens of European democracies to engage in political activity such as working with others in their communities to solve problems, attending political meetings or rallies, and working in behalf of a party or candidate.

Madam President, there are two sure means of increasing turnout: Coercion and bribery. The motor-voter bill embodies yet another method, which is to make voting so extremely easy that even political couch potatoes will roll out and vote. The motor-voter bill seeks to make voting really easy, by requiring State and local governments to register voters through drivers' license applications, the mail, and public assistance offices.

To set up this uniform voter registration system will cost the States millions of dollars, money that might otherwise be spent on better health care, education, and child nutrition.

The motor-voter bill dumps this huge expense on State governments at a time when many States are being forced to shut down vital services, furlough workers, and raise taxes. Proponents of this bill say the cost is worth it because it will register more voters.

That is the proposition, Madam President—the cost is worth it because it will register more voters. Perhaps. However, it does not follow that those who register will drive to the polls and vote.

A study prepared by the bipartisan Committee for the Study of the American Electorate found that:

> Declining voter participation cannot be attributed to problems in registration and voting law, since it has occurred during a time when registration and voting law generally has been altered to make registration and voting easier.

There is no concrete evidence that the motor-voter bill will increase turnout; in fact, there is ample indication that it will not.

The committee noted that there are a number of reasons European nations tend to have higher turnouts that the United States: First, homogeneous rather than heterogeneous parties; second, parliamentary rather than presidential democracies; third, fewer elections; fourth, less complex systems of government; and fifth, stronger parties, "to name but a few."

The study goes on to say in regard to registration that:

> Declining voter participation cannot be attributed to problems in registration and voting law, since it has occurred during a time when registration and voting law generally has been altered to make registration and voting easier.

So you get my drift, Madam President. The easier we make it to vote, the less they are voting.

One of the factors cited by the study as the reason for declining turnout is decline of the Republican and Democratic parties. As I noted previously, the Democrats' recently passed campaign finances bill drove a stake through the heart of the political parties. I can tell you, Madam President, there is no enthusiasm for that bill that passed here last week over at the Democratic National Committee. That bill will further cripple their ability to mobilize citizens to register and to vote.

The study concludes that the motor-voter bill is misdirected:

> The nature and scope of the nonvoting problem in America is such that creating the will to participate is by far the larger enterprise, since the number and percentage of Americans who voluntarily eschew the ballot box is by far greater than those who are blocked by legal, procedural, or administrative impediments.

It went on to say:

> It has been argued by many academic experts in the field of voting behavior that registration is the primary obstacle to voter turnout—that once a person is registered there is a nearly 90 percent likelihood that he or she will vote. That conclusion is not supported by this study (nor by other studies which have been conducted by the Committee).
>
> In this study there was a positive correlation between increments in registration and

increments in turnout in some elections (although never at or near the level of 90 percent) and no such positive correlation in other elections, clearly indicating that political factors rather than registration are more determinative of turnout.

In addition, the study found that when the existing pool was expanded, the likelihood of those additional registrants voting decreased.

Madam President, the bill before us is sold as a means of increasing voter turnout. There is no concrete evidence that it will do so. In fact, there is ample indication that it will not. The very premise of this bill—increased participation—is seriously in doubt.

VOTE FRAUD

The most disturbing aspect of the motor-voter bill is its potential to foster election fraud and thus debase the entire political process in this country. Several provisions of this bill have caused alarm among State and Federal officials who are charged with ensuring the integrity of our electoral process. That is why the motor-voter bill is acquiring a new nickname: "auto-fraudo."

Madam President, at the point this bill threatens the integrity of the electoral process, it is too expensive.

Madam President, my home State of Kentucky has many traditions. Among the more infamous is election fraud. It is a persistent problem and one which certainly is not confined to Kentucky. This is one critical reason many States oppose this legislation mandating federally prescribed voter registration procedures.

One of the most dangerous provisions is the escape clause for States that cannot afford to comply with the bill. States that have election day registration would not be subject to the provisions of the bill.

The Justice Department has said that this escape clause "would greatly impair the ability of the Department and the states to combat voting and election fraud * * * [and] would totally preclude meaningful verification of voter eligibility, and thus allow easy corruption of the election process by the unscrupulous."

The Department delineated the dangers of this provision in a letter to the chairman of the Rules Committee last year:

Of all the registration reforms which Congress has considered over recent years, from a law enforcement perspective this idea is by far the most troubling. Our objections to election-day registration rest on the following considerations:

(1) Registering voters at the polls on election day totally eliminates the ability of election registrars to confirm a voter's identity, place of residence, citizenship status, felon status, and other material factors bearing on entitlement to the franchise.

(2) Requiring voters who wish to register on election day to provide some form of identification before being permitted to vote does not respond to the fraud problem. Most commonly used identification can be used by the same voter to cast ballots under assumed names at numerous polling locations.

(3) Merging into one simultaneous act both the registration process and the voting process dramatically increases the risk of voter-bribery, since corrupt political operatives interested in targeting prospective voters for payment will no longer be confined to the preexisting names on registration lists. This problem is exacerbated by the fact, as we have observed in prosecuting and supervising hundreds of vote-buying cases, that individuals who accept payment for their votes do not have a strong interest in candidates and issues, nor do they tend to see the act of voting as a civic duty. Thus, for a few dollars, they are easily manipulated into giving up their franchise.

(4) The ballots of election-day registrants are liable to be tabulated before an irregularity can be ascertained. There is thus the realistic danger of irreversible damage to the integrity of the election, even in those instances where illegal registration and voting are later discovered.

(5) Although election-day registration may work reasonably well in rural and sparsely populated states, it is extremely doubtful that it would be at all successful in many states with mobile and urbanized populations which have experienced significant levels of local and state governmental corruption.

Other provisions of this motor-voter bill invite fraud as well. As the Department of Justice has stated:

* * * some of the registration techniques mandated by the bill are fraught with the potential for fraud if adequate methods are not used in light of local conditions, and because of the strict limitations on standard means of purging voting lists of state names, the bill would present a serious potential for increased voting fraud and electoral corruption. Voter registration laws are one of the principal protections against election fraud, and any changes to registration requirements must take into account the potential for increased fraud resulting from the changes.

Those who are concerned about election fraud are highly critical of the mail registration provisions of this bill. As the Department testified:

Registration by mail is much more susceptible to misuse because a would-be registrant never has to appear in person before a registrar for verification of identity and eligibility. The Department's experience with voting fraud cases to date has not conclusively shown whether registration by mail has a substantial impact on the incidence of voting fraud or not—we simply don't know. Most of the states which already have registration by mail also have in place a variety of procedures for independently confirming the information provided in voter registration applications. These verification procedures, though clearly not perfect, at least help to minimize the opportunities for voting fraud.

By contrast, S. 250 would impose a sweeping requirement to allow mail-in registration while simultaneously limiting significantly the ability of the states to use a variety of techniques to verify the applicant's identity and eligibility. For this reason, S. 250's provision for registration by mail would entail a substantial and perhaps prohibitive risk of enhancing the opportunities for fraudulent registration and voting.

Government agency-based registration also presents problems in combating election fraud. Social service and other Government employees are not experienced or trained in election procedures. Furthermore, as the Department wrote to Senator FORD, agency-based registration would:

* * * risk various forms of intimidation of the public. In at least some circumstances, people seeking tax relief, public assistance benefits, building permits, etc. could easily be given the impression that they have to register, or register for a particular party, in order to please the administrator in whose hands the fate of their application rests. The Department's experience demonstrates that public officials sometimes abuse their power to dispense or withhold benefits in order to pressure citizens into voting a particular way or registering for a particular party. S. 250 would increase substantially the opportunities for such intimidation and coercion of the public. While Section 5(a) of the bill would ostensibly require that personnel assisting applicants with the completion of their applications not display any political preference or party affiliation, we think it would be overly optimistic to expect that this prohibition will be sufficient to deter influence and intimidation.

Many State officials have expressed concern over election fraud under this bill. Governor Wilder of Virginia stated in a letter to Senator WARNER that S. 250 would "open the door to fraudulent voting." Even the Executive Director of the D.C. Board of Elections which currently has motor-voter pointed out that S. 250, which registers all driver's license applicants unless they stipulate they do not want to, would open up the possibility of "inadvertently and routinely bringing on underaged drivers, noncitizens, nonresidents, felons, and other persons not qualified to vote."

The Federal Election Commission's new role under this bill in regulating all State voter registration systems is not reassuring and does not alleviate concern over fraud. As the Center for Responsive Politic's FEC Watch project concluded in an April 24 letter to Senators, there are "serious deficiencies in the way the Federal Election Commission enforces the Federal campaign laws. * * *"

The center noted that the FEC ended 1990 with the highest number of unresolved enforcement cases in its history and has been woefully inadequate in auditing PAC's and campaign committees.

Madam President, it has taken 4 years to audit campaigns from the 1988 Presidential election. To do a credible job of regulating all State voter registration systems under this bill and regulate 535 congressional races under the taxpayer-funded spending limits recently passed by Democrats, the FEC would have to hire an army of auditors, accountants and lawyers. In downsizing the military and building up the FEC, we may as well have them switch buildings—give the Pentagon to the FEC army.

Madam President, political commentator George Will is among observ-

ers who have noted the futility and danger of the motor-voter bill:

In 1963 President Kennedy appointed a commission to suggest reforms to increase voter turnout. Seventeen of its 18 recommendations to make voting easier were fully or partially adopted. Since then, turnout has declined steadily.

Now in another exercise in missing the point, reformers are trying to pass S. 250, the "motor-voter" bill to require States to ease still further, voter registration. States would be required to register to vote anyone applying for or renewing a driver's license. Or to mail registration forms requiring neither notarization nor other formal witness. Or to have registration available at all offices that provide public assistance, unemployment compensation or related services and through state-funded programs to the disabled and to designate some other registration agencies, which may include libraries, schools, fishing, hunting and marriage license bureaus, revenue offices and some private sector locations.

Well, now.

Most states are running deficits and raising taxes. Another unfunded mandate from Washington will require still more cuts in education, health and other programs.

In 27 States it is possible to choose to register through driver's license offices. In seven of the ten States that have made that possible since 1972, voter turnout has declined. What has increased is voter fraud.

Let me say it again, Madam President, in 27 States it is possible to choose to register through driver's license offices today, something we are seeking to make all States do. In 7 of the 10 States that have made that possible since 1972, voter turnout has declined. What has increased is voter fraud.

Madam President, not only is this bill financially burdensome on States, and probably useless, completely useless in increasing turnout, it may also undermine the very integrity of the electoral process. For that reason alone it should be defeated.

Proponents of the bill say they just want to make it easier to vote. Leading us to ask ourselves: How easy should voting be? Is it too much to ask, Madam President, that people have a passing interest just some modicum of interest in the political process 10, 20, or 30 days prior to an election and that they go down to the courthouse, or the library, to register? That is all we are asking them to do today.

That is all we are asking them to do today. We have made great progress since the beginning of this country. You do not have to own property. There is no poll tax. Everybody over 18 is entitled to vote. The barriers have come down over the years in our country, giving everybody the chance to participate.

All they have to do in this day and age is just have some passing interest in the subject of voting, 10, 20, or 30 days prior to election and exert just a tiny bit of energy to get registered.

If we want to just make voting as easy as possible then technology may be the answer. Imagine, if you will, "Vote TV." Press the remote control button corresponding to the candidate of your choice shown on the screen and do your bit for democracy. You could get back to "Jeopardy" or "entertainment Tonight" before the commercial break ends.

"(900)" telephone numbers are used for a variety of purposes, including fundraising. Perhaps a new number is needed: "(900) VOTE-NOW." Dial for democracy!

To further stimulate turnout, voters could be eligible for a national lottery. We could just pay people to vote. Actually they have done that in Kentucky over the years.

These are extreme illustrations, obviously. But I wanted to make a point. How easy should it be? How easy should it be? It is awfully easy now.

Madam President, voting is already pretty easy in this country. It does not require an advanced degree or a great deal of initiative. What is missing is motivation.

Candidates, political parties, the media, and community organizations are the means by which we can motivate more people to vote. I asked earlier: "What are the Democrats afraid of?" Why do they want to continue to block campaign finance reform that would increase competition? Why do they propose gutting the political parties' ability to motivate people to vote?

There is not much enthusiasm for that bill we passed last week over at the Democratic National Committee. Take the gloves off the political parties and let them fight it out in every precinct in America. Let them fight it out on television. Stir things up. Give them clear choices. Empower the political parties to go out and show every American they have a stake in the process—a compelling reason to vote.

It is pretty clear that people vote when they think there is something on the line. You have an 80 percent turnout in Louisiana in the Governor's race last year. The people of Louisiana figured out something was on the line, something important was happening that could make a difference in their lives. When that happened they turned out.

The studies are pretty clear. We want to get the turnout up. You can do it like a lot of European countries, you can make them vote. You can fine them, penalize them, abuse them, and you get the turnout up. That is not what we want to do here.

People are free not to vote in this country if they want to. I do not applaud that, but I do not think the Federal Government ought to mandate programs that will enhance fraud, will clearly not increase turnout, nor improve the system.

States have the option today, and many of them have, to adopt a system similar to this. If they believe they can afford it, and some of them made that conclusion years ago and adopted it, then so be it. Nothing prevents them from doing it.

But for us at the Federal level at this particular juncture in our history in the total absence of any indication that mandating this program nationwide would do anything to increase turnout and could well enhance fraud, for us to do that, particularly at this time with great cynicism about Congress and great frustration in this country, seems to me to be the wrong move at this particular time.

So with all due respect to those who advocate this proposal it seems to me that it is something that should not pass. And even if it does pass of course it will be vetoed by the President.

And we will have engaged once again in using a considerable amount of the time of the Congress on an issue about which there is deep-seated agreement. I bet you, Madam President, if we took a survey of the American people and asked them to rate their list of priorities for what we ought to be doing here in Congress, I bet you they would say we ought to be doing something about the deficit, something about crime, or environment protection, or better education, or a whole lot of things before we went around passing mandates for the States that would cost them a lot in money in automatically registering everybody who has a driver's license.

Where is our sense of priority? What do we really think is important? I suggest that we get on with spending our time on issues that are vital to the American people and something they clearly feel is in their best interest.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. I thank the Presiding Officer for recognizing me, and I will attempt to be brief on this subject.

Once again I think we are repeating how much democracy can America handle, or how much democracy can America stand. You know, voting, in my opinion, I think in the opinion of nearly all Americans, is not a privilege that should be reserved for just a few people. Voting in America is a right that should go to all Americans. And voting in America is also an obligation which all Americans should follow. That is not the current situation that we find ourselves in today.

I think the legislation that is brought to the floor is really an effort to try and expand democracy, to give more people the right to participate in the process, and to make it easier for them to do so.

You know in the past we debated probably on this very floor the question of whether only people who own property should vote. Congress wisely decided that was wrong and changed it.

We used to say you had to be a man in order to vote. If you were a woman you did not have that privilege, as if women's brains were smaller and they did not make as wise a judgment as perhaps the men could.

It used to be that you had to have money to be able to vote. If you could not afford to pay the poll tax you had no chance to exercise your right, your privilege, and your obligation unless you had enough money to pay your way into the voter registration office.

Those things are now behind us, Madam President, and I say thank goodness for it.

I would also suggest that what America needs now is not less democracy but more democracy. We need more involvement, participation, and more people with the feeling that if they do in fact participate they can make a difference. There is a sense of hopelessness now in the cities and streets and the farms and the rural areas of America that what they do does not make any difference; that we in this body and the other body just do not get it, so why participate?

Yet we are on the floor of this body today arguing about whether we should make it easier for Americans to participate or keep it more difficult. I suggest that what we need is to make it as easy as possible to recognize that it is not a privilege, that it is a right that all Americans are entitled to. I think the motor-voter registration would make a major move in that direction and help us with regard to making more democracy available for more Americans.

I cannot understand nor can I accept the arguments made by some that to make it too easy for people to vote is bad for this country. I suggest that making it easier to participate in a democracy is good for our country and our Nation, particularly in the difficult times in which we now find ourselves.

The junior Senator from Kentucky mentioned the fact about my State of Louisiana—and I want to make this point—having an 80-percent turnout, far higher than all of the other States, sometimes twice as high as some States and even more than that with regard to a few States. An 80-percent-turnout is indeed very, very high, a long way from what it used to be when we had a poll tax, when we only allowed people with property to be able to vote, when we said that women could not participate in democracy. That has changed. You see an 80-percent turnout because of those changes.

I suggest there is another reason in Louisiana and I would like to suggest that my colleagues in the Senate from the other 49 States consider it. It is a simple amendment and it deals with the day that we have elections. All elections in Louisiana are on Saturday. Most people—in fact, statistics show us that 75 percent of the people that work every day are off on Saturday.

People who see their elections on Tuesday, that is 75 percent that work, 100 percent that work, know that if they are going to vote on a Tuesday, they are going to have to get up before they go to work, maybe at 6 o'clock in the morning, tend to their duties in their home, and then find a way to get to the poll and get to work, to the shop, the plant, the factory, the office, maybe by 7 o'clock.

How many people have enough time in today's crowded society to do that? Or if they want to wait until after they finish work, when they get off at 5 or 6 or 7, they maybe have 30 minutes or at the maximum an hour to find the place they vote, rush out and exercise their responsibility, their obligation, and their right. Many people today, more than in the past, say I am not going to do that. I am going to go home, watch television, have dinner with my family, have a beer, or what have you, and I just do not have the time to participate.

Is there anything magical about voting on Tuesday? Have we ever thought about where Tuesday comes from as a day to vote in this country?

I looked at the Congressional Research Service's material on this and found out there is nothing magical about it. The Constitution gives Congress the authority to determine when elections are held in this country. And the Congress, exercising that responsibility, said, well, let us do it on Tuesday back in the early 1800's.

Do you know why? Basically, the debate shows that they were discussing Tuesday as a proper date to have elections because, well, everybody in most States came to the county courthouse on Monday, on the first Monday of the month, in order to transact business at the county courthouse. They came by horseback, they came in wagons, they came by buggies, spent the day and the night because they made the journey back to their respective homes the next day.

So Congress said, well, let us just keep them there the next day and we will have elections on Tuesdays, the next day.

So Congress passed laws that said Federal elections shall be held the first Tuesday of the month in November. Nothing magical about it. It fit the 1820's, but it does not fit the 1990's.

Some have suggested that we should make Tuesday a Federal holiday. Not a bad idea. But I would suggest it costs an awful lot of money to make a Federal holiday of a day of the week like Tuesday, which for no other reason would qualify as a holiday, and we do not have to do that to accomplish the same result.

The 80-percent turnout in Louisiana I would suggest was not just because of the candidates, but because of the day of the election. Being on Saturday, many people have that day off, as I have said. Fifty-seven percent of the people who work regularly are off on Saturdays. They have a whole day to find their way to the polling booth so that they do not have to rush between the hours of 6 and 7 in the morning or between the hours of 7 and 8 at night or they do not have to plead with their boss who may know that they are of the opposite party or who is of the same party and does not agree on the same candidate, and says, "I am not going to let my hundred workers go out and take time off."

I think the concept of Congress in 1992 addressing a statute that was essentially passed in the early 1800's and making the changes consistent to the demands and needs of the society and the type of families we have where everybody works—momma and daddy and maybe the children as well—is the right step.

It would cost us absolutely nothing to make Federal elections on Saturdays instead of Tuesdays; no money involved. And I would offer to my colleagues that this is a way to at least be one method that would make it a lot easier for people to find the time to exercise what is not just a right but is certainly also an obligation.

So I have had legislation introduced which does that. I ask my colleagues to take a look at it. I think that it would fit as an amendment to this legislation if we can get some people to consider it. I would be happy to offer it. It needs to be discussed and have people tell me why it is not a good idea if, in fact, it is not.

Most of my colleagues that I visited with when I suggest it, they say, "why don't we do it?" And we do not do it because we just have not done it. It only takes a statute or act of Congress in order to put it into effect.

When I ask people, everybody in my State, or any State for that matter, do you know why we vote on Tuesday, there is not 5 percent of the people that can give you an answer as to why we vote on Tuesday. They mostly say we vote on Tuesday because we vote on Tuesday, as did my father and grandfather. We always voted on Tuesday. I guess there must be something magical about Tuesday.

There is nothing magical about Tuesday. It is just a day of the week Congress picked because people came to their county seats by covered wagon on Monday and we kept them over to vote on Tuesday.

I would suggest the 1990's dictate that we should recognize the realities of life, change it to Saturdays, and also enact legislation like the chairman has presented to make it easier for people to vote and make it easier for people to participate in democracy, not more difficult.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. FORD].

Mr. FORD. Madam President, I have been sitting here listening to my colleague from Kentucky as he begins to take this bill apart. Some things about his statement disturb me.

He included Kentucky in his statement. Well, Kentucky has passed a campaign finance reform bill. Over his objection and his visit to Frankfort to encourage members of the Kentucky legislature not to impose that, we did it anyhow. And it goes into effect July 1. The people of my State say they want to put a cap on campaign spending. Why should it not apply to the country?

I do not understand. I guess just because you have so much money you want to spend and if you get so much money you kill everybody else with all that weight of advertising, television, and all that, you kill good ideas, you kill the ability to debate an issue. He says hardly anyone cares; waste of time.

Well, we better start caring about this country. We better start caring about democracy. If democracy fails, we fail. And we have to do everything we possibly can to see that democracy prevails. And one of those great attributes of democracy is the will of the people; the ability to vote.

Troika—I was blamed for it, Democrats were blamed for it—but it came from that side. They are the ones blaming Democrats for wanting to limit the expenditure in political campaigns. They want to criticize Democrats for helping people become registered to vote. And they also are criticizing Democrats who try to make those under the Hatch Act first-class citizens. That is troika. I am very proud that we are trying to do something.

You know, we had a filibuster on this, a filibuster just to take the legislation up and consider it. So we had to finally get 61 votes to invoke cloture and the bill up to consider it. We have been doing that all year. And the final vote is 87 to 7, in some, once we get cloture. Then everybody joins in, they want the legislation now, and it kind of wipes the slate clean. They were not trying to filibuster. We get it every day.

We get ready to take up a piece of legislation that I honestly believe in and they say, "Do not do that, Ford. You are just wasting your time. Nobody cares. If you send it to the White House the President is gong to veto it and 34 of us are going to follow the bell cow and we are going to sustain his veto."

It is about time we kept them here all night or do whatever is necessary to see that we start getting legislation through.

Talk about perpetrating a fraud on the people of this country—I do not think I am. I do not think I am a fraud. I believe in certain things. I believe in this institution. I believe in the Constitution. And I believe in keeping this country strong. And I do not believe this legislation is imposing a fraud on the American people. Twenty-six States now have it. They are not complaining about fraud. We talk about decreases in voting; that this will not increase votes. That is not what it is for. If you have an opportunity to vote maybe—just maybe—you will go exercise your prerogative.

Let us look at four States. In 1986 through 1990, Maine imposed motor-voter in their State. There was an increase of 13 percent in turnout.

North Carolina put in motor-voter; increased their turnout by 20 percent.

Minnesota—my distinguished colleague is here—increased their turnout by 25 percent.

And the District of Columbia increased 26 percent. That is because they had the right to vote.

It is a little bit, Madam President, like baseball season. We are all enthusiastic on opening day. The occupant of the chair, the distinguished Senator from Maryland, on opening day—it was great. Some of us do not follow baseball like others. We get really interested when it nears the World Series. We get real interested when the division playoffs start. And then we get an opportunity—maybe we take lunch late so we can watch the ball game. We want to watch it. We want to participate. That is a little bit like politics. We get out and we start working and talking and putting on bumper stickers and doing these things. There is not much interest. There is not much interest in what the Presidential candidates are doing right now, narrowly, in States. But once you get close to the election time, people get interested. They begin to look at the issues, begin to think about it.

What happens? They are not registered to vote. They cannot get a ticket to the ball game. They have a feeling they are informed citizens.

The other side said that if we keep the same system only the informed citizen will be able to vote. Well, who can judge who is an informed citizen? Who can judge, so that if they want to vote, then they ought to be able to vote. And this gives them that opportunity. There is no fraud. All you have to do is look at the letter from the distinguished secretary of State of Mississippi. In his letter to me he says:

> In my State of Mississippi, I am proud to say that July 1 we will begin voter registration by mail. During a heated public debate on the merits of mail-in registration, my office conducted an extensive nationwide study of voter registration with particular emphasis on determining the potential for fraud during registration.

And he underscores and underlines this next sentence:

> We could find no evidence of registration fraud. The U.S. Postal Service confirmed that it has had virtually no instances of registration fraud. In other words, mail-in voter registration is effective and safe.

Then he continues, Madam President:

> As my State's chief elections officer, I also believe a well-crafted "Motor Voter" system will be effective and safe. I have enclosed a copy of our study on voter registration for your review. Public officials such as you and I must search for ways to help Americans participate in their government. I believe mail-in and "Motor Voter" registration are two such ways.

Madam President, we heard about the snake oil groups. I heard that word—maybe you say things that you wish you had not said. But we heard about the snake oil groups that were supporting motor-voter. Let us just look at the snake oil groups that are supporting motor-voter.

Fifty-three organizations—53 organizations:

American Association of Retired Persons [AARP].

American Baptist Churches, USA.

American Civil Liberties Union.

American Council of the Blind.

American Ethical Union—Washington Ethical Action Office.

American Federation of State, County and Municipal Employees.

Americans for Democratic Action.

American Jewish Congress.

Association for Education & Rehabilitation of the Blind and Visually Impaired.

Central Conference of American Rabbis.

Church of the Brethren, Washington Office.

Citizen Action.

Citizen Education Fund.

Common Cause.

Commonwealth of Puerto Rico—Electorial Coordination and Orientation Division.

Disabled American Veterans.

Disabled AND Able to Vote.

Federally Employed Women.

Federation of Reconstructionist Congregations and Havurot.

Human Rights Campaign Fund.

100% VOTE/Human Serve.

INTERFAITH IMPACT for Justice and Peace.

International Ladies' Garment Workers' Union.

International Union, U.A.W.

League of Women Voters of the United States.

Lutheran Office for Governmental Affairs.

Mexican American Legal Defense and Educational Fund [MALDEF].

Midwest/Northeast Voter Registration Education Project.

NAACP Legal Defense and Educational Fund.

National Association for the Advancement of Colored People [NAACP].

National Association of Recording Merchandisers.

National Association of Rehabilitation Facilities.

And on and on.

Madam President, if these are snake oil groups then I have a different interpretation of snake oil groups.

Paralyzed Veterans of America, one that supports this.

United Methodist Church, United States Conference of Mayors, United States Public Interest Research Group, United States Student Association—young people.

The United Church of Christ. And so on and on.

Madam President, I ask unanimous consent that the names of these 53 organizations be printed in the RECORD at this point.

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

ORGANIZATIONS SUPPORTING S. 250

American Association of Retired Persons (AARP).
American Baptist Churches USA.
American Civil Liberties Union.
American Council of the Blind.
American Ethical Union—Washington Ethical Action Office.
American Federation of State, County and Municipal Employees.
Americans for Democratic Action.
American Jewish Congress.
Association for Education & Rehabilitation of the Blind and Visually Impaired.
Central Conference of American Rabbis.
Church of the Brethren, Washington Office.
Citizen Action.
Citizen Education Fund.
Common Cause.
Commonwealth of Puerto Rico—Electoral Coordination and Orientation Division.
Disabled American Veterans.
Disabled AND Able to Vote.
Federally Employed Women.
Federation of Reconstructionist Congregations and Havurot.
Human Rights Campaign Fund.
100% VOTE/Human Serve.
INTERFAITH IMPACT for Justice and Peace.
International Ladies' Garment Workers' Union.
International Union, U.A.W.
League of Women Voters of the United States.
Lutheran Office for Governmental Affairs.
Mexican American Legal Defense and Education Fund (MALDEF).
Midwest/Northeast Voter Registration Education Project.
NAACP Legal Defense and Educational Fund.
National Association for the Advancement of Colored People (NAACP).
National Association of Recording Merchandisers.
National Association of Rehabilitation Facilities.
National Center for Law and Deafness.
National Coalition for Black Voter Participation.
National Community Action Foundation.
National Council of Churches.
National Council of Senior Citizens.
National Education Association.
National Rainbow Coalition.
National Urban League.
Paralyzed Veterans of America.
People for the American Way Action Fund.
Rock the Vote.
Service Employees International Union.
The Friends Committee on National Legislation.
Union of American Hebrew Congregations.
Unitarian Universalist Association.
United Methodist Church—General Board of Church and Society.
United States Conference of Mayors.
United States Public Interest Research Group.
United States Student Association.
United Church of Christ—Office for Church and Society.
United Food & Commercial Workers Union.

Mr. FORD. This bill establishes national procedures for voting registration. But it does not supplant the traditional role of the States and local election officials from administering the electoral process. This bill will establish some novel methods of registration for some States. But these are systems of registration which already exist in a number of States—systems that have been operating efficiently. We have taken these tested registration programs and have tailored them to become universal throughout this country. At this same time, the States are permitted to use current practices for the overall administration of the voter rolls.

For example, the application process does not take away any authority from local election officials to determine the eligibility of any person who desires to register to vote. S. 250 makes the registration process simultaneous with an application for a drivers license or public benefits. But these applications must be forwarded to the appropriate election officials, who in turn will determine the applicant's eligibility to become a registered voter.

The bill requires that every applicant be given notice about the disposition of an application. Yet, we leave it to the States to determine how that notice is given. In some States, applicants receive a notification in the mail.

Madam President, every time we discuss this bill, opponents argue that opening the registration process will permit greater opportunities for fraud. Listening to these arguments about fraud is like listening to an old worn-out record, stuck on the same note.

This bill is a tough antifraud bill. It would make fraudulent registration a Federal crime, punishable by a fine and imprisonment. There are a number of other antifruad devices in the bill, such as the requirement that every application include an affirmation that the applicant meets all the requirements and requires a signature under penalty of perjury.

Madam President, I have sat through numerous hearings on this legislation. And a number of witnesses have come before the committee and argued that this bill will increase fraud opportunities. And yet, in every State that has motor-voter, mail or agency-based registration, none, I repeat, none of these States has reported any incidents of fraud.

The maintenance of accurate and up-to-date registration lists is the hallmark of a national system seeking to prevent voter fraud. The registration processes of the bill, together with the requirement that the States conduct a general program that makes a reasonable effort to remove the names of ineligible voters by reason of death or a change in residence, will ensure the integrity of the electoral process.

Finally, Madam President, the Justice Department and the minority have taken the position that States could avoid the so-called burdens of this legislation by adopting election day registration—because the bill exempts States which have election day registration. I think that argument is absurd. I do not favor election day registration, and the majority of supporters of this legislation do not support election day registration.

I have no quarrel with any State which, based on its own experience and circumstances, has election day registration. In some States it has worked. But as a national policy, I would not support it. I, too, believe that the registration process is necessary to provide a meaningful verification of voter eligibility. That is what S. 250 is all about. Providing a convenient method of registration.

Madam President, let me conclude by saying that I think many of the concerns of the Justice Department are adequately addressed in this legislation. And a thorough reading of the bill and the committee report would demonstrate our concern for a secure electoral process.

Let us remember that the purpose of our election process is not to test the fortitude and determination of the voter, but to discern the will of the majority. Every effort has been made to produce a bill that balances the legitimate administrative concerns of the election administrators and the objectives of this legislation.

Just briefly, Madam President, there are five specific provisions in the bill which serve as protections against fraud: A written attestation clause on all applications that the applicant meets the eligibility requirements to vote; the signature of the applicant under penalty of perjury. The State may require by law that a first-time voter who registers by mail make a personal appearance to vote. The requirement that each applicant be given notice of the disposition of his or her voter registration application. Many States use the notice provision as a means of detecting fraudulent registrations. And Federal criminal penalties will apply to any person who knowingly and willfully engages in fraudulent conduct.

Mr. WELLSTONE. Will the Senator yield?

Mr. FORD. The Senator will be glad to yield.

Mr. WELLSTONE. I notice that one of the things the Senator from Kentucky focused on was the number of States—be mentioned Minnesota—who move forward with motor voter.

Is there any evidence at all that there has been a problem with fraud? What has the Senator heard from the States? Obviously, we have an example of the States leading the way.

Mr. FORD. I say to my good friend from Minnesota, there is absolutely none. We find in a lot of places that those who are in office are kind of, as we say in Kentucky, sot in their ways. They do not want any change. There was proof that there would be a more even flow of registrations with driver

license renewals because states normally do it by month of birth.

So the drivers' licenses would come in January and February and March, and all through the year. They would not have to put on extra employees right at the end of the registration period, when everybody pushes and tries to get in. And so it would save on the employment of additional personnel. That is a savings. In the District of Columbia it will only cost 6 cents per registered voter.

So the fraud and the cost, we find not a problem, and we do not find otherwise from any of those who have participated in the process.

Mr. WELLSTONE. Madam President, I wonder whether the Senator will yield for another question?

Mr. FORD. I will be glad to.

Mr. WELLSTONE. I am just interested, as someone who has only served a year here—I want to say this to the Senator from Kentucky. I heard the senior Senator speak before, but he speaks about this with a tremendous amount of conviction. And I want to ask the Senator this question: Why, in the first place, did he introduce this legislation? Did he hear from people around the country, citizens?

The Senator talks about democracy, and he talks about it with a lot of feeling. I think it is very real; it is really obvious.

Did the Senator hear from a lot of people around our country that they have difficulties registering?

Mr. FORD. Madam President, we have hoops which people must jump through and ladders they have to climb, as I used in my statement earlier, in order to register. And as the distinguished Senator from Louisiana [Mr. BREAUX] said, people just do not have time to get off from work. The office opens at 8 in the morning and closes at 4:30 in the afternoon. Unless they stay open, then you have to get off from work or go on your lunch hour to register. So it makes it almost impossible.

Watching the voting pattern in my State, I found the harder it was to vote, the more frustration was developed. Not lack of desire, but frustration. And I have been trying most of my political career to have people participate. That is one of the reasons I am so concerned about putting caps on political campaigns. That is why I am so interested in giving people the opportunity to vote; making people subject to the Hatch Act first-class citizens; giving them an opportunity to participate.

I have seen and heard from numbers of people, groups—the League of Women Voters, for instance—and Ralph Munro, the secretary of state of the State of Washington. There is a fellow who, if you want to argue this, will take anybody on to say that we are doing the right thing.

And then I held hearings for days—for days People came in from all over the country and they told me, and they told the Senate, that: We need a change, and this bill is the way we ought to change.

I say to my good friend—let me just add one more item—that my original bill is not the bill that is here. Because after you work with NAACP, after you work with the Mexican-Americans, after you work with your secretaries of state, after you work with all these people, you begin to get a pattern. And it is now put together so that we have, virtually, endorsements from all of those people.

We can find a lot of people who do not want you to vote; want to keep it status quo. And I use the term my friend from Kentucky used: Just relax. I am not going to relax and let democracy fail.

Mr. WELLSTONE. Madam President, if the Senator will just yield for another question, and I want to make two comments about what the Senator just said, one of which is he is not going to let up on this.

First of all, I heard the junior Senator from Kentucky talk about fraud, and I just want to make it clear that there is another kind of fraud that I did not hear the junior Senator focus on. That is when so many people in this country, as the senior Senator from Kentucky, Senator FORD, just said, find it difficult to register to vote.

When people in many States cannot register by postcard; cannot do mail-in; have to travel so far; do not know exactly where they can go to register or how to do it; when we make it so difficult for people to register to vote, then I think what we have is an undercutting of democracy.

I just want to say to the Senator from Kentucky that I have a tremendous amount of appreciation for this piece of legislation and what the Senator is trying to do. My father was a Jewish immigrant from what used to be the Soviet Union, and I grew up in a family where we really felt democracy was important. I just want to make it very clear that I believe what the Senator has introduced today is vitally important for our country.

It does not make any sense when we make it so difficult for people to vote. That is a fraud, when it is so hard for people to vote.

My only other point, which I want to expand on later—and I do not want to take the Senator's time with questions—is I want the Senator from Kentucky to know that when he said he would not let up, and he listed the organizations, I think back to yesterday. I was at the AME Church in Washington, DC, and there was a large outpouring of people to talk about what is happening in the country. And everybody who was there—many were African Americans; whites, as well—were focusing on one point: That really what we want to see happen in our country is for people to be engaged in constructive action; for people to use their vote in behalf of their economic rights; for people to register to vote for what they believe in. That is what we want to encourage.

My understanding is this piece of legislation encourages just that.

(Mr. LAUTENBERG assumed the chair.)

Mr. FORD. Mr. President, the Senator is absolutely correct. We do not force anybody to do anything. We just give them a better opportunity to have a seat at the World Series, and that is the selection of the leadership of this country.

Mr. President, just a few more comments, and I will be glad to yield the floor. I heard my friend say that we have this kind of trouble with motor-voter; this kind of trouble with motor-voter; this kind of trouble with motor-voter. At least we are not trying to blame what happened in Los Angeles on Lyndon Johnson and the Great Society. Did you ever hear anything like that; that as you cut down on programs that help the inner city—it just does not seem right; the American people do not believe it—now, they are trying to do damage control; damage control.

The WIC—all the things we try to do to help people—I do not believe they have been improved in the last 11 years. In fact, it has been reduced by 63 percent. Preschool help, the WIC Program, all those things that help children, families, education, have been reduced 63 percent from what they were 11 years ago.

We are not advocating election-day registration. The Justice Department, I think, has made a statement, and I have my rebuttal in the RECORD. S. 250 does nothing to take away the role of registrars to verify the information on an application.

The bill specifically prohibits intimidation. That activity would be a Federal crime. The FEC role is not to regulate State voting registration systems. Agency-based registration provides flexibility for States to designate various agencies.

One thing disturbs me. I heard it said, and it is part of the RECORD, that one reason the other side is opposed to this bill is that they will never be in the majority again. That gives me enough incentive to be for it. It gives me enough incentive to be for it. But that is not my idea. That is not why I am for this. I just want people to have the opportunity to vote.

I understand young people today. They are turned off. Maybe we can turn them on because they know that when they become 18 they will be registered and they can go to vote. If they do not like me, if they do not like you, whatever it may be, they have a right to be

against something, but they also have a right to be for something for a change. I think there is an opportunity for change, and this bill gives us that opportunity.

I am not afraid of the people. I am not afraid of their voice and what they think. I am not afraid of their not being informed because I believe they are. So I just think all the wrong arguments are here, all the wrong arguments against this. We are going to participate in democracy. We cannot relax and just enjoy it, because it will fail. We cannot allow it to fail.

Let me make one final statement of eight words: You cannot vote if you are not registered. You cannot exercise your voice if you are unable to go to the polls. As long as we continue with the hoops and ladders to make it harder for people, then we are not exercising what I feel is the proper role for us in the legislature.

I thank the Chair and I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. May I ask the Senator from Kentucky if he would be kind enough to respond to some questions I may want to put to him as I go along? But for now I am fine.

Let me speak spontaneously about this, and later on I hope we will get a chance to debate specific points about this piece of legislation.

I smiled when the senior Senator from Kentucky said there are those who argue that if this bill is passed, it would be good for Democrats and that would be enough for him to want to support it. But is he going to support it for other reasons? I suspect the evidence is probably somewhat ambiguous as to who would benefit. In any case—and I am interested in the response of the Senator from Kentucky—it is amazing to me—I remember one night we had a debate on this; we have had to work so hard to get this bill on the floor—this piece of legislation has been filibustered. But it does strike me you cannot say to people with disabilities, you cannot say to people where you have two wage earners and people find it difficult to find the time to be able to go through all the hurdles that are before people or all the hoops they have to jump through to be able to register and vote that we are not going to pass a piece of legislation which will provide citizens the opportunity to be able to register and vote just because we think they might vote for Democrats.

Let me ask the Senator from Kentucky. He has been in politics longer than this Senator. That argument is obviously not a high-ground argument, but does the Senator think that argument makes any sense? Can someone on the floor of the Senate oppose a piece of legislation which would expand democracy, make it easier for citizens to be able to register and vote, which is our most precious right, because they are going to argue it is going to benefit a party? What is the point of this argument? Maybe the Senator can help me.

Mr. FORD. It is difficult for me as a citizen of the United States of America to deny people an easier way to register to vote. I guess you could say that you have had 12 years and you want 4 more and if we allow people to vote, if their theory is true, they may not make it this time.

But maybe it is time for a change. I do not know. But I would rather lose with a huge turnout than win with a small one. that may sound unusual. I want to win. There is no question about that. But if you have a huge turnout, the people of your State have voiced their opinion in overwhelming terms, and when you have that, then you cannot deny that the voice of the people has been heard. So I just think that is a horrible reason for being against the ability of Americans to register to vote.

Mr. WELLSTONE. Mr. President, let me suggest two things. First of all, if what some Senators on the other side of the aisle are arguing is that they do not want to pass this motor voter legislation, which I think is really critical—I think it is one of the most important pieces of legislation that has been brought to the floor of the Senate in recent years—that they do not want to pass this because they think this will mean new people might register and vote in their States, then they do not know what is going on in the country. Then everything people talk about about the Beltway, the inside-the-Beltway mentality, is true, and I do not want to believe it is true because I am a Senator in Washington. I believe in this institution and I believe in what we are doing. I do not believe in the denigration of public service. I think it is a high honor.

But this is just a ridiculous argument. You cannot oppose a piece of legislation because you are worried some people who have not been able to register and vote before now might start participating in our electoral process. That is an outrageous argument, it is an indefensible argument, and it is a profoundly antidemocratic—that is with a small "d"—argument. You cannot make the argument, I would insist, that it is good that we have Byzantine rules and regulations all across the country which depress voting turnout because the real hurdle is for people to be able to register. When people register, they vote. A vast majority, about 80 percent, of the people when registered vote in Presidential elections. It is outrageous to try to make the argument on the floor of the Senate that we do not want people able to do that because it is far better that people not register and vote because we only want the well informed to be able to register and vote. Who gets to define who is informed? That is a profoundly antidemocratic argument. We do not, in a democracy, get to decide who is able to register and vote.

Let me go on, Mr. President, and make another argument which I think is important. I believe I heard, as I was in my office, the argument made that this piece of legislation is not that important, it does not have much to do with what is going on in the country. What does it have to do with Los Angeles, for example?

Look, everybody that I know is talking about what happened in Los Angeles. People are trying to locate themselves personally in relation to what happened. People are trying to figure out the healing that needs to take place in our country. People are condemning the violence, but they are also trying to figure out how we can be a wholer nation, that we should not be so divided by race. I think all of us know that we have a real successful democracy and country when people have equal opportunity.

Now, I want to suggest that at every meeting I have been to in the past couple of weeks, I have heard citizens stand up and say we have to make sure we encourage those who are angry and those who believe there should be change in our country, that we say to them, "The way you do it in the United States of America is you exert your political rights in what you believe. You register and you vote for jobs. You register and vote for housing. You register and vote for schools. You register and vote for your communities. You register and vote for your families. You register and vote for what you believe."

That is what this legislation does. This is not subversive. This is all about democracy. This is what it is about.

In Minnesota, this is the Minnesota social services form. This is motor voter. This is what it is all about. A citizen comes in, fills out a driver's license form or an ID form so that he or she can cash checks, or a citizen comes in to a social service agency and right there on the spot that man or that women, never required to do so, but if she or he wants to do so, can fill out the form and can register to vote.

It sure beats the situation that we have in all too many communities in our country where in about half the States people cannot register by postcard. They have to figure out where to go.

I come from a rural community. In some cases, not in Minnesota, we have agency-based motor voter and same-day registration. In some cases you might have to drive 70 miles to register to vote. You probably do not know where to go. In any case, you might get there and it might not be open over the

noon hour and, just simply to reinforce the remarks of the Senator from Louisiana, quite often you cannot register on the weekends.

So we make it difficult on all too many citizens to register to vote.

Even where you can register by postcard or form, those forms are not readily available. Then in all too many States you do not know whether you have to register 42 days before election day, or 26 days before election day, or 12 days before election day. It is bewildering.

Why do those on the other side of the aisle insist that we continue to depress voting participation at the very point in time when there is such widespread anger and despair in our country and we should be encouraging people to participate in the electoral process? Is that not the alternative to violence? Is that not what democracy is all about?

Mr. President, I want to provide some historical context that I think is pretty important. This is in many ways, this piece of legislation—and this is why I am so supportive of what Senator FORD has introduced today and so proud to be a cosponsor—this piece of legislation is a civil rights bill for African-Americans, black, white, Hispanic, Asian, native Americans, all the citizens in this country. That is what is so interesting. It is inclusive.

It used to be in the United States of America in the 1870's, and 1880's, there were high levels of turnout, not barely 50 percent in the Presidential elections. But post 1896 election, unfortunately, in all too many States around the country, we imposed requirements that depressed voting participation. That is where the poll tax comes from. That is where the literacy test comes from. That is where all of those really very unreasonable residency requirements came from.

I would ask my colleagues and everyone on the floor here to remember that it is a pretty long period of time between 1896 and the years thereafter and 1965 when we passed the voting rights bill. Remember, that is when we finally did away with those arbitrary rules and regulations.

Mr. President, I want to suggest today that this legislation, the motor voter legislation, is the next step, because we are the only country, the only advanced democracy in the world that has the system of personal periodic voter registration. That is what I have been talking about. We are the only advanced democracy in the world that has a system of personal periodic voter registration. In other words, it has to be periodic, it has to happen at regular intervals, and personal. You, as an individual, have to figure out when, where, and how to do it.

Let me tell you one more time for some of my colleagues who do not understand this. The rules and regulations for some of my colleagues who are opposed to bureaucracy are Byzantine and it is very, very difficult for all too many citizens to be able to register to vote given what we now have.

Belgium, Australia, Austria, Sweden, Italy, Iceland, New Zealand, West Germany, France, Portugal, Canada, Israel, United Kingdom, Japan, Spain, Ireland, you name the country, and we are way behind in terms of voting participation.

Why? There are some people who say, and apparently some of my colleagues believe this to be the case, it is because those people are of low and moderate income, working income, people of color because, by the way, they are disproportionately the citizens who find it most difficult to be able to register to vote given the economic conditions of their lives. It is not too easy.

It is easy for us. We can do it. It is not too easy for them to drive 70 miles and register only at a certain time, not too easy for them to figure out who exactly the registrar is when it is not well known, not too easy for them to register to vote when you cannot register on the weekend.

The question is why? Is it because those people who do not register to vote suffer from apathy? That is what we say. But how come that in these other countries like neighboring Canada, low-income people, the people of color, working-income people, register and they vote at the same level? How could it be that once upon a time in our country, before all of these onerous rules and regulations, we had higher levels of participation? How can it be that all the other democracies, and I think we are the greatest democracy in the world, but in those countries we do not have the same kind of discrimination, we do not impose the same difficulties on people? Because the Government has not played the following role.

There are some who say about this bill that Senator FORD has introduced, Government should not be involved. Mr. President, the Government is involved. We are involved in a system that is archaic, in a system that imposes enormous difficulties on our citizens so that they can register and vote. We are involved in a system that depresses voter participation.

If there ever was a time in the history of our country where we would want to pass a piece of legislation that would expand voting participation, that would expand democracy, and that would say to so many citizens in our country who feel left out, who do not feel well represented and who are angry, this is a piece of legislation that challenges you as citizens, this is piece of legislation that says for every citizen who wants to register and vote, for every citizen who wants to be active, for every citizen who wants to make this democracy work, for every citizen who wants to make America what America can be, we passed a piece of legislation that now moves our country forward.

This is hugely important. This is hugely important. I just simply want to say in this debate that I hope that I can actually say years from now that I was involved in a debate, and after the debate we passed a major piece of legislation which made our country more of a democracy, which led to greater levels of participation, which led to less alienation, which led to less anger, and which made this a better country.

I yield the rest of my time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, are we on a specific bill? Would it be appropriate for the Senator from New Mexico to speak to a subject unrelated to the measure?

The PRESIDING OFFICER. The Senate is debating a motion to proceed on S. 250, and that is where we stand at this moment. We are under a cloture rule.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to speak for no longer than 5 minutes on another matter not within the purview of the cloture rule.

Mr. FORD. Mr. President, I will not object. The Senator can take some time. We are trying to eat up some time on this bill. Five minutes will not make any difference. I will not object.

Mr. DOMENICI. I will withdraw my request and just speak then.

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

BANK DEPOSIT FINANCIAL ASSISTANCE PROGRAM EXPANSION

Mr. DOMENICI. Mr. President, the tragic events of recent days illustrate the acute need for our Nation to encourage economic opportunity for minority groups in the United States.

Facing the grave reality of division, we are a nation searching for solutions—solutions for today, for yesterday, and for tomorrow.

In this regard, with optimism and the promise of hope, I am pleased to bring your attention to an expanding Federal program that will increase our Nation's minority and women-owned financial institutions' access to capital.

The Bank Deposit Financial Assistance Program, originated in 1980, is managed by the Department of Energy. The Bank Deposit Financial Assistance Program is not funded by the taxpayers. Rather, it is paid for with fees and settlements collected by the DOE. These funds are then steered to minority and women-owned lenders.

The program works like this: Once the funds are collected by the DOE, over time, they are deposited in 20 administrative banks, which in turn immediately transfer the funds to our Na-

tion's 120 participating minority and women-owned financial institutions.

These funds will increase the minority institutions's capital by $2 million each. The lending power of these institutions may potentially increase by billions.

Consequently, these DOE deposits increase stability and growth of minority lenders, thereby benefiting minority businesses and individuals. I am told by one participating minority-owned lender in New Mexico that approximately 95 percent of their lending is to minority businesses and individuals. In New Mexico three minority institutions across the State participate in the program. They are located in Espanola, Taos, and Dona Ana.

Starting this month, the Bank Deposit Financial Assistance Program will be expanded from the previous 90 participating minority institutions. Under the expand program 120 minority and women-owned lenders and 20 administrative banks will participate in this successful initiative.

First National Bank in Albuquerque, NM, will be one of the first administrative banks to facilitate the transfer of the DOE funds to our Nation's minority and women-owned institutions. Eight participating minority lenders are located in the Los Angeles region.

I am pleased that in this way, New Mexico will lend a helping hand to the rebuilding of this wounded American city. The hearts of New Mexicans go out to all Americans, particularly those in Los Angeles who are facing loss—the loss of precious lives, the loss of property, and the loss of hope.

I feel that the Bank Deposit Financial Assistance Program is an effective tool for increasing hope through opportunity for Americans. Too often minority lenders, and consequently minority businesses and individuals, are disenfranchised—they have limited or no access to capital.

Capital creates opportunity—the kind of opportunity that builds businesses, creates jobs, raises standards of living, and bestows the promise of a bright tomorrow for future generations.

I wish to commend the Department of Energy for its success and the implementation of the Bank Deposit Financial Assistance Program. I am most hopeful that may Senate colleagues will continue to support your efforts.

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

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2684 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

Mr. HATFIELD. Mr. President, once again I am pleased that the Senate has the opportunity to bring the National Voter Registration Act of 1991, S. 250, to the floor of the Senate. This legislation failed on two cloture votes last July, albeit by very slim margins. As always, I respect the Senate's right to delay consideration of a piece of legislation. However, it should be obvious to this body that this bill is not going to go away. The vote we took earlier today is the third cloture vote this year on S. 250—I have to think back quite a few years to remember a bill that has come before this body so often in such a short time period.

The National Voter Registration Act, which my colleague from Kentucky and I introduced earlier this year, has strong support throughout all of this country. Champions for the motor-voter concept exist at the local, State, and Federal levels of government. Additionally, S. 250 is backed by a variety of civil rights, minority, and education groups. Most importantly, the concept of easing the voter registration process is rapidly gaining support at the grassroots level. The point, Mr. President, is that this bill's support has increased greatly since the last time it was considered by the Senate, indicating that it is now time for the Federal Government to act.

As we all know, the issue of dealing with low voter turnout has become extremely partisan. Frankly, Mr. President, I do not understand how registering more voters is going to help one political party more than another. I have seen studies that show both parties will benefit greatly from increased voter registration—if those who register actually vote.

I think we have to look at this as a two-part question. Merely being registered, in of itself, does not guarantee that eligible registered voters will actually turn out and vote on election day.

We, as policymakers, have a responsibility to expand the pool and the baseline of those who participate in the Democratic process and registration is the first step. It is the responsibility of political candidates and parties to win voter support; we can't put our heads in the sand and slow the registration of new voters. This constitutes a lack of accountability of all political candidates in the whole political party system.

Mr. President, let me just comment briefly as a Republican. My State of Oregon has motor-voter registration. The State of Washington, our neighbor, has motor-voter registration.

One of the most eloquent proponents, and one who appeared before our Rules Committee, in support of motor-voter registration was Mr. Ralph Munro, the Secretary of State of the State of Washington who is, by law, the State's chief voter registration official.

Mr. President, he is a Republican, he is an ardent Republican. And he has been able to satisfy, by his own experience in the State of Washington, that this is not a partisan matter that benefits the Democrats more than it benefits the Republicans.

I can say that my State in its first 4 months registered over 49,000 new voters by motor voter registration procedures. I am proud of the fact that Oregon has consistently had a higher voter turnout than the national average and we were in the upper seventies in the last cycle of elections in Oregon.

And I indicate that not only as a statistic but the fact that I, as a Republican, was elected in what is a more Democratic State, via registration numbers, than a Republican State. It is very interesting, with those greater Democratic registration numbers, that we have two Republican Senators from Oregon.

I feel, therefore, that to say that this benefits one party, as against another party, is without foundation. I would not be here today, Senator PACKWOOD would not be here today, if a lot of discerning Democrats did not vote for us in the November elections. But first they have to be registered.

I only make this personal in the sense that I want to allay the fears of any of my colleagues on the Republican side of the aisle that somehow this is a Democratic-sponsored bill that is going to benefit the Democrats of this country.

I think it is going to benefit the whole political process of this country, and if there are some regions of this country or some States in this country or some communities within the States of this country that are more Democratic oriented or more Republican oriented that is the diversity of this country.

We used to talk about the solid South. The South is not solid anymore, and if you were to take the registration numbers in the State of Mississippi, you would probably find an overwhelming number of Democrats registered, and yet we have two Republican Senators today from the State of Mississippi.

Mr. FORD. And a Republican Governor.

Mr. HATFIELD. And a Republican Governor, I am reminded by my colleague, also in the State of Mississippi.

There is not a southern State today that has not elected, in the last 10 years, a statewide official on the Republican ticket—Governor or U.S. Senator.

So I just do not believe that the evidence is present to say that this legislation benefits one party more than another.

Mr. President, let me say that I had reservations when Senator FORD first proposed this motor voter registration and invited me to be his chief cosponsor, which I am honored to be. My concern was how do you protect the integrity of the voters ballot? How do you protect the integrity of that ballot in a sense of maintaining a least possible degree of fraud and abuse?

I taught political science for a few years of my career and whenever we wanted to talk about political fraud and abuse, all we had to do was to cite some of the big city machines which consistently voted tombstones, and that was before the motor voter registration was ever thought of.

That happened on both the Republican and Democratic side. The Republicans used to control Philadelphia as a big city machine and we know how many times the tombstones were voted in Chicago under the Democratic-controlled machine.

So, I only illustrate here by saying that there is no full and 100 percent guarantee against fraud and abuse in the political system of this or any free country.

But let us be then the reasonable person, take the reasonable person's perspective. There is nothing in this bill, as I have seen it—and we have experienced it in practice in Oregon, Washington, and many other States—that would indicate that we have opened the door to fraud and abuse by this more simplified procedure of registration.

I just think it is a red herring. I just think it is an argument made when there is really a minimal of any argument that could be made against this proposal.

Senator FORD recognized my concerns, what I consider legitimate concerns and the concerns of most of my colleagues—I am sure there is not a colleague that I could think of that would want to open a system to fraud and abuse. And so there are some changes made in the bill as originally proposed. And I am very greatful that Senator FORD addressed my concerns which I feel I was expressing on behalf of 99 other colleagues, or 98 others, because Senator FORD himself is concerned about this. So these arguments I think have been adequately resolved.

Mr. President, I know this is a motion to proceed. I am not going to give all of my arguments and all my points at this time. I did want to come to the floor after hearing Senator FORD, the chairman of the Rules Committee and the chief sponsor of this bill, defend this bill for most of this afternoon, to indicate that this is a bipartisan approach.

I want to say I am happy to be a cosponsor of National Voter Registration Act, and I think it is an important step toward improving the perilous problem of dwindling voter turnout which plagues our country and our political system.

I strongly urge our colleagues to vote in favor of the motion to proceed to Senate bill, S. 250, and then let us get into a detailed debate and listen to the reservations and answer those reservations, and let us work this out in a consensus of the Senate because I believe it is a very important step forward.

I yield the floor.

Mr. SANFORD. Mr. President, I rise today in support of S. 250, the National Voter Registration Act of 1991.

One of the greatest barriers to voter participation is the confusing array of State and local registration practices for Federal elections. Voting registration procedures vary greatly from State to State and from locality to locality.

The present system of cumbersome voter registration practices is a substantial detriment to all but the most enthusiastic voters. These practices include registration at difficult-to-locate sites during inconvenient hours, frequent lack of deputy registrars, and the use of confusing registration forms. Many of these registration practices discourage participation by minorities, people with disabilities, and first time voters.

Mr. President, by passing S. 250, the Senate has an opportunity to promote greater access to the ballot box. It is clear that those who register to vote exercise their right to vote.

In addition to the much heralded motor voter registration, which allows voter registration as a part of the process of applying for a driver's license, this bill also provides for uniform mail registration. Of particular importance to State officials is the flexibility the bill provides by permitting States to develop and use their own mail registration form, as long as requirements of the bill are met. Mail registration will prove to be yet another convenient means for increasing voter registration.

A third approach in the bill is agency based registration. These agencies, designated by the States, include public assistance offices, as well as State offices that provide programs serving persons with disabilities. I am convinced that this approach will be particularly helpful in enabling disabled, low-income, and minority citizens to register to vote.

The declining number of voters in our national elections should be of concern to all of us. It is clear that democratic institutions function most effectively when the will of the people is accurately represented. The will of the people is difficult to represent, however, when, as in the congressional elections of 1990, voter turnout is a mere 36 percent.

Presidential elections generally fare somewhat better in terms of voter turnout, yet in 1988, only half of the voting-age population went to the polls. This represents the lowest voter participation rate since the election of Calvin Coolidge in 1924. More than 70 million citizens eligible to vote in 1988 did not even register.

In my home State of North Carolina, efforts have been made over the last decade to improve our voter registration program and to get more citizens on the voter rolls. We have recognized that cumbersome procedures have simply made it too difficult for our citizens to vote.

One positive step that North Carolina has taken along with 21 other States has been the enactment of its own motor voter registration system. There are encouraging results. Today, the department of motor vehicles is now the greatest single producer of new registrations.

A recent study by the North Carolina Center for Public Policy Research, an independent, nonprofit corporation created to study policy issues and evaluate State government programs, concluded that "we've made it too hard to register and too hard to vote. * * * We should be finding ways to make voting easier, not harder—and faster, not slower." The report also made several recommendations to increase voter registration and participation, many of which correspond directly to the approach taken by the National Voter Registration Act. This is a significant way for the Congress to encourage and collaborate with the States to continue improving voting procedures across the country.

I ask that an article that appeared in the Raleigh News and Observer be included at the end of my remarks. This article outlines the specific recommendations of the Commission on Methods to Improve Voter Participation. Many of those recommendations are a part of S. 250.

This bill serves to remind us that voting is not intended to measure the determination of the voter, but rather to reflect the will of the majority. Simply put, the easier it is to vote, the higher voter turnout will be and the more representative our system of government will become.

I commend Senators FORD and HATFIELD for their perseverance, and for their vision in spearheading this effort. And I urge my colleagues to join me in support of this important legislation.

I thank the Chair, and I yield the floor.

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

NORTH CAROLINA URGED TO MAKE VOTING EASIER

(By Ran Coble)

RALEIGH.—North Carolina should look for ways to get people to the polls after years of trailing the nation in voter turnout, a legislative committee was told Tuesday.

The Commission on Methods to Improve Voter Participation should be daring, said Ran Coble executive director of the N.C. Center for Public Policy Research.

"When you have the fourth worst voter turnout rate in the country, we at the center think you have a powerful reason to experiment and try things that have a good chance of improving North Carolina's record in this basic test of democracy," Coble said.

"We always trail most of the South in voter turnout," he added. "The South trails the rest of the country, and the United States trails almost all other democracies."

Coble said a nine-month study by the nonprofit group showed that from 1970 to 1990, the number of people registered to vote in North Carolina increased by nearly 42 percent, from 1,945,987 to 3,347,635, while the state's population increased 23 percent.

Still, fewer than four of every 10 registered voters go to the polls regularly, Coble said.

Many things set North Carolina apart from other states, he said. The state uses five different voting systems, including paper ballots in 17 counties and electronic devices in others. And recent elections have seen machine malfunctions, ballot shortages and claims of intimidation by political parties.

Among proposals Coble listed to turn things around:

Let voters register by mail. Twenty-four states do, including the top 10 in voter turnout in the 1988 elections.

Fully computerize voter-registration records.

Make voter registration an integral part of the motor vehicle licensing and permitting process in 1988, the top three states in voter turnout had that.

Allow registration within seven to 10 days of an election, instead of the current 21-day provision. Four of the top 10 voting states allowed registration as late as Election Day or had no registration.

Such sweeping changes might be difficult to enact, Coble said.

"The biggest problem is that most of the boards of elections and the supervisors are resistant to any change whatsoever," he said.

Jane Dittmann, North Carolina deputy director for People for the American Way, said her group might have another way to address the problem.

The non-partisan group has helped initiate high school students into the system through a program called First Vote, Dittmann said.

Studies have shown 18- to 21-year-olds have the lowest voter participation in the nation, with only a third participating even in presidential-election years. Dittmann said one reason may be that only 12 percent link the concept of citizenship with voting.

"While they viewed their rights in a democracy as inviolate, they viewed their duties pretty much as non-existent," she said.

Mr. AKAKA addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent that I be permitted to speak for about 10 minutes at this time.

The PRESIDING OFFICER. There is no restriction on time. The Senator is recognized. The time will be charged to the motion that is on the floor at this point.

Mr. AKAKA. Thank you, Mr. President.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 2679 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER (Mr. HARKIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, this bill, S. 250, the National Voter Registration Act, is a good-faith effort to try to make registering to vote easier.

The goal of the bill's proponents, to increase voter turnout, is a goal I think is shared by every Senator in this Chamber. Most States also share the goal of providing their citizens an opportunity to register to vote when applying for driver's licenses.

In fact, fully 27 States and the District of Columbia already provide citizens this opportunity to register at their departments of motor vehicles.

Furthermore, legislation was introduced in 17 other Statehouses last year to establish some form of motor-voter or agency-based registration system. I ask unanimous consent that a list of these States as prepared by the National Clearing House on Election Administration be printed in the RECORD, along with a definition of types of registration systems that accompanies that report. In addition to the States listed here, one can register at DMV offices in the States of New Jersey, Pennsylvania and Oklahoma.

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

TYPES OF REGISTRATION SYSTEMS BY STATE

	State central computer	Mail	Election Day	Agency	Motor voter	Deputized registrars
AL	No	No	No	No	No	No
AK	Yes	Yes#	For Pres	Yes	Yes	Yes
AZ	No	No	No	No	Yes	Yes
AR	No	No	No	No	No	Yes
CA	Yes	Yes	No	No	No	May
CO	Yes	No	No	No	Yes	No
CT	No	Yes*	No	Yes	No	May
DE	Yes	Yes	No	No	No	Yes
DC	Yes	Yes	No	Yes	Yes	No
FL	No	No	No	No	No	Yes
GA	No	No	No	No	No	Yes
HI	Yes	Yes	No	Yes	Yes	Yes
ID	No	No	No	No	Yes	Yes
IL	Yes	No	No	Yes	No	Yes
IN	No	No	No	No	No	Yes
IA	Yes	Yes	No	Yes	Yes	May
KS	Yes	Yes	No	No	No	Yes
KY	Yes	Yes	No	No	No	No
LA	Yes	No	No	No	Yes	Yes
ME	No	Yes*	Yes	No	Yes	Yes
MD	Yes**	Yes	No	Yes	Yes	No
MA	No	No	No	No	No	May
MI	No	No	No	No	Yes	Yes
MN	Yes	Yes	Yes	Yes	Yes	No
MS	No	Yes	No	Yes	Yes	Yes
MO	No	No	No	No	No	Yes
MT	No	Yes#	No	No	No	Yes
NE	No	Yes +	No	No	No	Yes
NV	No	No	No	No	Yes	Yes
NH	No	No	No	No	No	May
NJ	No	Yes	No	Yes	No	No
NM	Yes	No	No	No	Yes	Yes
NY	No	Yes	No	Yes	Yes*	No
NC	No	No	No	No	Yes	Yes
ND	N/A	N/A	N/A	N/A	N/A	N/A
OH	Yes	Yes	No	Yes	Yes	No
OK	Yes	No	No	No	No	Yes
OR	No	Yes	No	No	Yes	No

TYPES OF REGISTRATION SYSTEMS BY STATE—Continued

	State central computer	Mail	Election Day	Agency	Motor voter	Deputized registrars
PA	No	Yes	No	No	No	May
RI	Yes	No	No	Yes##	Yes	Yes
SC	Yes	Yes+	No	No	No	Yes
SD	No	No	No	No	No	Yes*
TN	No	Yes#	No	No	No	No
TX	Yes	Yes	No	Yes	Yes	Yes
UT	No	Yes	No	No	No	No
VT	No	Yes	No	No	Yes	No
VA	Yes	No	No	No	No	May
WA	No	No	No	Yes	Yes	Yes
WV	No	Yes*	No	No	Yes	May
WI	No	Yes+	Yes	No	No	May
WY	Yes	No	(†)	No	No	No

* Requires notarization
\+ Requires witness (WI requires 2)
\# Option of either witness or notarization
** Serving 14 counties only
† Primaries.

Note—Compiled By: Brian Hancock, National Clearinghouse on Election Administration, Federal Election Commission, February 1992.

DEFINITIONS FOR TYPES OF REGISTRATION SYSTEMS

State Central Computer refers to whether or not the State operates some form of computerized voter registration file covering or serving some or all of the local election jurisdictions.

Mail refers to whether or not the State provides for mail registration by all eligible citizens of the State rather than just subpopulations such as absentee, disabled, or military citizens.

Election Day refers to whether or not the State provides for voter registration on election day either at the polls or otherwise.

Agency refers to whether or not the State has a specific and ongoing program which requires them to provide for voter registration, or at least to provide voter registration forms, at public agencies (other than just motor vehicle offices) that deal extensively with the citizenry—such as welfare offices and the like.

Motor Voter refers to whether or not the State has a specific and ongoing program which requires them to provide for voter registration, or at least to provide voter registration forms, at the public offices of the motor vehicle department.

Deputized Registrars refers to whether or not local jurisdictions officially deputize persons to serve as voter registrars. "May" implies that the power to deputize registrars is discretionary to the local election official while "Yes" implies that local officials are required to do so. "No" means that there is no official deputizing, although private individuals may nonetheless serve as unofficial registrars (as is so often the case in mail registration States when interest groups may obtain multiple forms for their own registration drives).

Compiled By: Brian Hancock, National Clearinghouse on Election Administration, Federal Election Commission, February 1992.

Mr. STEVENS. In other words, Mr. President, fully 44 States and the District of Columbia have already instituted the concepts in S. 250 or are considering doing so. States are enthusiastic about their programs. The enthusiasm of the States, however, does not translate into enthusiasm for this bill, S. 250. This is largely because of the cost that S. 250 entails.

A recent report of the National Governors Association documents that 35 States are facing a revenue shortfall of over a total of $5.7 billion. This is after States raised taxes by a total of $25.3

billion and cut spending in their States by $7.5 billion over these last 2 years.

Five States, Mr. President, have had to cut Aid to Families with Dependent Children. Another study shows that over 25 percent of all major cities face a deficit exceeding 5 percent this year.

State and local governments simply do not have the additional money for unfunded mandates such as are found in this bill, S. 250.

These mandates will be significant. Thirteen States with over 36 percent of the Nation's population told the Rules Committee that they have major problems with the financial burdens this bill will impose.

Eight of those States calculated the cost of S. 250. The calculation totals $80 million per year for those eight States alone.

My own State of Alaska estimated that these requirements will mean the equivalent of a 28-percent increase in the budget of our Election Division. This is despite the fact that Alaska already has all three forms of registration programs required by this bill.

Let me give you a list, Mr. President, of the State and local government organizations that have criticized the unfunded mandates contained in this bill: The Association of Motor Vehicle Administrators, the National Association of Counties, the National Association of Towns and Townships, the National Governors Association, and the National League of Cities.

These State and local government organizations are concerned because they know that programs like child nutrition or health care will have to be cut to pay the bill for this legislation.

It is not just increased spending States faced by this bill, S. 250, it is the very real threat of a host of other complications including costly Federal lawsuits under this bill.

The bill's proponents assume States will register 95 percent of their eligible voting-age population under this bill. If they do not, those State will find themselves in Federal court being sued by advocacy groups. This bill, for the first time, will give standing to sue in Federal court to any aggrieved "person." "Person," as defined, includes advocacy groups as well as individuals. And I tell the Senate it is a safe bet to say the States that fail to register 95 percent of their population are going to face costly Federal court litigation by a host of advocacy groups.

Senators should realize this will be a first. Today, States can only be sued in Federal court for voter registration violations if some form of discrimination contrary to the Voting Rights Act is alleged. Under S. 250, for the first time, allegations of discrimination will not be needed to present a case and win in a Federal court.

There should be no doubt about the willingness of some advocacy groups to sue under this bill. Here is a passage from a report of one advocacy group that is pushing for the enactment of this legislation. "The prudent approach, or so it seems to us, is to support passage of the Federal bill, and then litigate if the States fail to implement [it]."

Passing this bill means the Senate thinks the path to increased voter turnout runs through the door to the Federal courthouse. I seriously question any Senator would seriously believe that the appropriate response to low voter turnout is to unleash a torrent of Federal lawsuits against our States. Imposing these new costs and liabilities is particularly unjustified because S. 250 has been, I believe, falsely advertised: It simply will not do what it is designed to do. There is no evidence that registration programs required by S. 250 actually increase voter turnout. I asked the Congressional Research Service, CRS, to look at the States which had actually adopted motor-voter programs.

It reported that in 7 of the 10 States with motor-voter laws, turnout actually dropped. For all 10 States as a matter of fact, voter turnout went down by 2.68 percent.

For the 5 States that have the more active form of motor-voter somewhat similar requirement to that of S. 250, turnout in Presidential elections actually dropped 6.21 percent. For non-Presidential elections, those States experienced a small increase of about one-half of 1 percent. But in the major elections in this country, in the Presidential elections the turnout dropped over 6 percent.

I support the idea of providing an opportunity to register to vote when applying for a driver's license. But this bill goes far beyond that proposition.

The bill forces States to register anyone who applies for a driver's license unless they specifically state in writing they don't want to register.

This automatic registration procedure will be expensive because the population eligible to receive a driver's license is far larger than the population eligible to vote.

It will be expensive to sort out the large number of ineligible applicants who will inevitably attempt to register to vote.

People eligible to drive but not eligible to vote include everyone under 18 years old, convicted felons, and all out-of-State residents such as military personnel, students, temporary workers, and aliens.

Supporters claim sorting out ineligible applications is not a problem for the States who have motor-voter now.

The reason most States do not have this problem is because most States with motor-voter programs do not have the automatic registration feature required by this bill.

In fact, virtually all States that have motor-voter programs now would have to change them at tremendous expense to comply with this act.

The automatic registration requirement also increases the chances for inadvertent registration that could disqualify people for home State benefits.

For instance, students from Alaska that attend college in another State are often required to get a driver's license in that State.

If S. 250 is enacted and these students do not decline to register to vote, when they get a driver's license, they will be forfeiting their scholarships. Alaska requires residence in the State for scholarships. Students could also end up paying income taxes outside of Alaska.

The bill would require all States to accept and process voter registration cards sent through the mail.

Section 9(b)(3) of the bill also prohibits mail registration applications from including "any requirement for notarization or other formal authentication."

The Department of Justice warned the Rules Committee about mail registration under this bill. It wrote that S. 250:

> * * * would impose a sweeping requirement to allow mail-in registration while simultaneously limiting significantly the ability of the States to use a variety of techniques to verify the applicant's identify and eligibility.
>
> For this reason, S. 250's provision for registration by mail would entail a substantial and perhaps prohibitive risk of enhancing the opportunities of fraudulent registration and voting.

The Justice Department has good reason to fear the fraudulent effects of nationwide mail registration.

New York now has mail registration. After an investigation of systematic vote fraud in Kings County, NY, a grand jury concluded that mail registration, instituted in 1976, had become "the principal means of perpetrating election fraud" in New York.

The New York problem is so serious, that in 1988, Elizabeth Holtzman, then a district attorney, complained in the New York Times about " how easy it is to vote illegally" in that State.

Elizabeth Holtzman called for implementation of the grand jury recommendations which included a change in mail-in registration.

Unfortunately, her pleas cannot be answered if S. 250 is enacted. This is because the bill would specifically forbid the changes to New York's mail registration called for by the grant jury.

West Virginia now has mail registration. After a series of indictments for voting fraud just last summer, many election officials in that State want to get rid of mail-in registration.

This is a headline from a June, 1991 Charleston Gazette: "Official Criticize Postcard Registration; Voter Fraud Case Points to Misuse."

In this case, a special prosecutor said: "One of the conclusions of this grand jury was that the mail-in reg-

istration system should be abolished as soon as the legislature can take action."

If S. 250 is enacted, a decision by the West Virginia legislature to end mail-in registration will be in vain.

S. 250 means that we will void any action of the West Virginia Legislature and force that State to continue a system being used to steal elections.

Illinois is another example where mail registration will increase fraud. If this procedure existed in Illinois, one of the Justice Department's largest prosecutions of vote fraud would not have taken place.

Those who want to register today in Chicago must appear in front of registrars and may have to show identification.

With S. 250, such precautions would be against Federal law.

If this bill passes, it is likely that mail registration would quickly become the principal means of perpetrating election fraud in Chicago.

California experienced fraud with mail registration. In fact, it had to hire a full-time investigator to sort out bogus registration cards the State received through the mail.

Alaska requires postcard applications to be signed by two individuals over 18 years of age. Alaska's Governor wrote that this requirement is needed to heighten "the registrant's awareness of the serious nature of the voting laws."

Alaska's witness precaution would be specifically prohibited under the bill.

Alaska also requires out-of-State voter registration applicants to provide "identification or other documentation that supports * * * a claim to Alaska residency." This provision helps ensure that out-of-State nonresidents cannot bootstrap a claim to Alaskan State benefits from non-Alaska locations by filing phony registration applications through the mail.

This bill would specifically prohibit this Alaskan precaution.

Another election fraud problem is the case of illegal voting by aliens. The Immigration and Naturalization Service examined a sample of ballots cast by foreign-born voters in a 1989 U.S. House of Representatives special election.

Fully 11 percent of these sample ballots were cast illegally by noncitizens. INS also said the percentage of fraudulent ballots in the sample could be as high as 24 percent.

One way to prevent noncitizen voting in Federal elections would be to ask for documents establishing citizenship at the time of registration.

Unfortunately, under S. 250's mail registration requirement, it would be illegal under Federal law to ask for proof of citizenship during registration.

In an effort to counter the threat of increased opportunities for fraud from S. 250's mail registration requirement, the bill would permit States to require new voters who have registered by mail to vote in person when they cast their first ballot.

This is not an effective precaution. First time, in-person voting turns the purpose of voter registration requirements in advance of elections upside down.

The reason most States have such requirements is to determine eligibility to vote prior to an election when there is time available to check the qualifications of a voter.

S. 250 will mean States will have to determine a voter's eligibility on the day of election.

That verification would have to be done by poll workers who just would not have the qualifications to make the judgments required to determine eligibility to vote under the laws. That is the purpose of advanced registration: to give officials time to check the qualifications of those who claim to be voters.

The bill requires registration of applicants who use public assistance offices. The Justice Department wrote to the committee that its experience:

> * * * demonstrates that public officials sometimes use their power to dispense or withhold benefits in order to pressure citizens into voting a particular way or registering for a particular party. S. 250 would increase substantially the opportunities for such intimidation and coercion of the public.

This is not my statement. This is a quote from the Justice Department. The Justice Department is not writing about a hypothetical problem, incidentally.

Last year, the St. Louis-Post Dispatch reported on an investigation into allegations of political manipulation of public assistance recipients.

In the case reported, public employees allegedly were registering public assistance applicants for one political party and telling them who to vote for. The public employees also allegedly drove applicants to the polls. That abuse apparently has been going on for decades.

S. 250 would require public assistance employees across the Nation to become actively involved in the administration of elections, and the result will be more manipulation and abuse of public assistance seekers.

Even if we did not have evidence of manipulation of public assistance recipients, S. 250 creates the appearance that assistance is linked to participation in the political system.

To repeat: This bill creates the appearance that public assistance available under State and local government laws that exist already is linked to participation in our political system.

We have never done that before.

This violates the American tradition of voluntary political participation. To me, it is a bad idea, and the Senate should reject any connection between Federal or State assistance and voter eligibility.

We should reject this bill because it would federalize 18,000 separate election jurisdictions, in my opinion, without doing anything to really increase voter participation.

Such federalization of those jurisdictions will lead to unnecessary expenses and will greatly undermine the integrity of our American elections.

Senator DOLE and I have introduced a substitute which will provide for grants to States to help them set up motor-voter programs.

As I have indicated, many want to do that, but they do not need a Federal law to mandate it. More than 44 States have already proceeded down this road without this bill, and without the mandates and expense that this bill will incur.

Under our substitute, this motor voter concept would cost far less than S. 250, because the program would basically be flexible, much more flexible than S. 250.

Our substitute will not require mail registration and, therefore, will not increase the opportunities for fraud that I have discussed.

I urge my colleagues to oppose S. 250 and take a close look at the substitute that Senator DOLE and I hope to have the opportunity to offer at the appropriate time.

I cannot state too strongly my opposition to S. 250. As the members of the Rules Committee will note, I opposed it in committee, and I continue to oppose it based on the evidence that my State has demonstrated—that it will increase the cost of our elections substantially in our State. We just cannot afford that increased expense.

Thank you, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

UNANIMOUS-CONSENT AGREEMENT—S. 250

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 89, S. 250, a bill to establish national voter registration procedures for Federal elections; that Senator FORD then be recognized to modify the committee-reported substitute amendment; that following the modification, Senator KASTEN be recognized to offer an amendment consisting of the substance of S. 640 and S. 645, relating to product liability; that following the offering of the Kasten amendment, Senator FORD be recognized to offer a cloture motion on the committee sub-

stitute as modified; that the vote on the cloture motion occur on Tuesday, May 12, at 4 p.m.; that no amendment may be offered other than the pending Kasten amendment prior to the vote on the cloture motion; that no other motions with relation to this bill be in order prior to the cloture vote at 4 p.m. on Tuesday; and that first-degree amendments may be filed until 10 a.m. on Tuesday, May 12.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The text of the agreement is as follows:

Ordered, That on Tuesday, May 12, 1992, at 4:00 p.m. the Senate proceed to vote on the cloture motion on the committee substitute, as modified, to S. 250, a Bill to Establish National Voter Registration Procedures for Federal Elections.

Ordered further, That no amendment may be offered, other than the pending Kasten amendment, prior to the vote on the cloture motion.

Ordered further, That no other motions with relation to this bill be in order prior to the cloture vote at 4:00 p.m.

Ordered further, That first degree amendments may be filed until 10:00 a.m., Tuesday, May 12, 1992.

NATIONAL VOTER REGISTRATION FOR FEDERAL ELECTIONS

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follow:

A bill (S. 250) to establish national voter registration procedures for Federal elections, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Voter Registration Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the right of citizens of the United States to vote is a fundamental right;

(2) it is the duty of the Federal, State, and local governments to promote the exercise of that right; and

(3) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to implement this Act in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;

(3) to protect the integrity of the electoral process; and

(4) to ensure that accurate and current voter registration rolls are maintained.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));

(3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;

(4) the term "State" means a State of the United States and the District of Columbia; and

(5) the term "voter registration agency" means an office designated under section 7(a)(1) to perform voter registration activities.

SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office—

(1) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 5;

(2) by mail application pursuant to section 6; and

(3) by application in person—

(A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

(B) at a Federal, State, or nongovernmental office designated under section 7.

(b) NONAPPLICABILITY TO CERTAIN STATES.—This Act does not apply to a State described in either or both of the following paragraphs:

(1) A State in which there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office.

SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.

(a) IN GENERAL.—(1) Except as provided in subsection (b), each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) DECLINATION TO REGISTER.—(1) An applicant for a State motor vehicle driver's license may decline in writing to be registered by means of the motor vehicle driver's license application.

(2) No information relating to a declination pursuant to paragraph (1) may be used for any purpose other than voter registration.

(c) FORMS AND PROCEDURES.—(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) shall include a means by which an applicant may decline to register to vote pursuant to subsection (b);

(C) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(D) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) CHANGE OF ADDRESS.—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

SEC. 6. MAIL REGISTRATION.

(a) FORM.—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(a)(2) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) AVAILABILITY OF FORMS.—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) FIRST-TIME VOTERS.—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a local jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other law.

SEC. 7. VOTER REGISTRATION AGENCIES.

(a) DESIGNATION.—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies—

(A) all offices in the State that provide public assistance, unemployment compensation, or related services; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city

and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance; or

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2); or

(ii) the office's own form if it is substantially equivalent to the form described in section 9(a)(2),

unless the applicant, in writing, declines to register to vote;

(B) to the greatest extent practicable, incorporate in application forms and other forms used at those offices for purposes other than voter registration a means by which a person who completes the form may decline, in writing, to register to vote in elections for Federal office; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.

(a) IN GENERAL.—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) CONFIRMATION OF VOTER REGISTRATION.—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) VOTER REMOVAL PROGRAMS.—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable first class mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 60 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) REMOVAL OF NAMES FROM VOTING ROLLS.—(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by first class, forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the jurisdiction of the same reg-

istrar and who has failed to notify the registrar of the change of address prior to the date of an election shall be permitted to vote, at the option of the registrant—

(A) at the second polling place, with confirmation of the new address by such means as are required by law; or

(B) upon oral or written affirmation by the registrant of the new address before an election official—

(i) at the registrant's former polling place if that polling place is in the same congressional district as the second polling place; or

(ii) at any other location where a list of eligible voters is maintained and voting is conducted.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.—In the case of a change of address, for voting purposes, of a registrant to another address within the jurisdiction of the same voting registrar, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) CONVICTION IN FEDERAL COURT.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

(A) the name of the offender;

(B) the offender's age and residence address;

(C) the date of entry of the judgment;

(D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) REDUCED POSTAL RATES.—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§3629. Reduced rates for voter registration purposes

"The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing (including a return mailing to the official using a prepaid envelope supplied by the official) that the official certifies is required or authorized by the National Voter Registration Act of 1991.".

(2) Section 2401(c) of title 39, United States Code, is amended by striking "and 3626(a)–(h)" and inserting "3626(a)–(h), and 3629".

(3) Section 3627 of title 39, United States Code, is amended by striking "or 3626 of this title," and inserting ", 3626, or 3629 of this title".

(4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for voter registration purposes.".

(i) PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.—(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

SEC. 9. FEDERAL COORDINATION AND REGULATIONS.

(a) IN GENERAL.—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, the heads of the departments, agencies, and other entities of the executive branch of the Federal Government, and representatives of nongovernmental entities, shall prescribe such regulations as are necessary to carry out this Act;

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) CONTENTS OF MAIL VOTER REGISTRATION FORM.—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury; and

(3) may not include any requirement for notarization or other formal authentication.

SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) PRIVATE RIGHT OF ACTION.—(1) An individual who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved individual may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved individual need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) ATTORNEY'S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) RELATION TO OTHER LAWS.—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

SEC. 12. CRIMINAL PENALTIES.

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 13. EFFECTIVE DATE.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on January 1, 1994; and

(2) with respect to any State not described in paragraph (1), on January 1, 1993.

Mr. MITCHELL. Mr. President, in view of this agreement, there will be no further rollcall votes this evening. The Senate will be in session on a pro forma basis only tomorrow. The Senate will not be in session on Monday. The Senate will be in session on Tuesday.

I anticipate debate on the subject of the pending bill and the prospective

Kasten amendment to occur throughout the day on Tuesday, interrupted only by the recess for the respective party caucuses and the vote on cloture on the bill will occur at 4 p.m. on Tuesday. So there will be no rollcall votes between now and 4 p.m. on Tuesday.

There will be debate during the day on Tuesday on the subject matter of the pending bill and the prospective Kasten amendment.

Mr. President, I thank my colleagues for their cooperation in working out this agreement. This will save the Senate a great deal of time and will enable us to proceed on this important piece of legislation in an expeditious manner, much more so than might otherwise have been the case.

I thank my colleagues.

I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. 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. FORD. Mr. President, under the unanimous consent order, I now send a modification of the committee amendment to S. 250.

The PRESIDING OFFICER. The amendment is so modified.

The modification follows:

MODIFICATION OF COMMITTEE AMENDMENT TO S. 250

Mr. Ford (for himself and Mr. Hatfield), at the direction of the Committee on Rules and Administration, modifies the Committee amendment to S. 250 as follows:

Strike the matter proposed to be inserted and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Voter Registration Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the right of citizens of the United States to vote is a fundamental right;

(2) it is the duty of the Federal, State, and local governments to promote the exercise of that right; and

(3) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to implement this Act in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;

(3) to protect the integrity of the electoral process; and

(4) to ensure that accurate and current voter registration rolls are maintained.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));

(3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;

(4) the term "State" means a State of the United States and the District of Columbia; and

(5) the term "voter registration agency" means an office designated under section 7(a)(1) to perform voter registration activities.

SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office—

(1) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 5;

(2) by mail application pursuant to section 6; and

(3) by application in person—

(A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

(B) at a Federal, State, or nongovernmental office designated under section 7.

(b) NONAPPLICABILITY TO CERTAIN STATES.—This Act does not apply to a State described in either or both of the following paragraphs:

(1) A State in which there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office.

SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.

(a) IN GENERAL.—(1) Except as provided in subsection (b), each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) DECLINATION TO REGISTER.—(1) An applicant for a State motor vehicle driver's license may decline in writing to be registered by means of the motor vehicle driver's license application.

(2) No information relating to a declination pursuant to paragraph (1) may be used for any purpose other than voter registration.

(c) FORMS AND PROCEDURES.—(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) shall include a means by which an applicant may decline to register to vote pursuant to subsection (b);

(C) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(D) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) CHANGE OF ADDRESS.—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

SEC. 6. MAIL REGISTRATION.

(a) FORM.—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) AVAILABILITY OF FORMS.—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) FIRST-TIME VOTERS.—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other Federal law.

SEC. 7. VOTER REGISTRATION AGENCIES.

(a) DESIGNATION.—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies—

(A) all offices in the State that provide public assistance, unemployment compensation, or related services; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance; or

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2); or

(ii) the office's own form if it is substantially equivalent to the form described in section 9(a)(2),

unless the applicant, in writing, declines to register to vote;

(B) to the greatest extent practicable, incorporate in application forms and other forms used at those offices for purposes other than voter registration a means by which a person who completes the form may decline, in writing, to register to vote in elections for Federal office; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.

(a) IN GENERAL.—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) CONFIRMATION OF VOTER REGISTRATION.—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) VOTER REMOVAL PROGRAMS.—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) REMOVAL OF NAMES FROM VOTING ROLLS.—(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day

after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote at a polling place described in subparagraph (A)(ii)(II), voting at a central location described in subparagraph (A)(ii)(I) need not be provided as an alternative option.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.—In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) CONVICTION IN FEDERAL COURT.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

(A) the name of the offender;

(B) the offender's age and residence address;

(C) the date of entry of the judgment;

(D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) REDUCED POSTAL RATES.—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3629. Reduced rates for voter registration purposes

"The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1991."

(2) Section 2401(c) of title 39, United States Code, is amended by striking "and 3626(a)–(h)" and inserting "3626(a)–(h), and 3629".

(3) Section 3627 of title 39, United States Code, is amended by striking "or 3626 of this title," and inserting ", 3626, or 3629 of this title".

(4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for voter registration purposes."

(i) PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.—(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) DEFINITION.—For the purposes of this section, the term "registrar's jurisdiction" means—

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

SEC. 9. FEDERAL COORDINATION AND REGULATIONS.

(a) IN GENERAL.—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, the heads of the departments, agencies, and other entities of the executive branch of the Federal Government, and representatives of nongovernmental entities, shall prescribe such regulations as are necessary to carry out this Act;

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) CONTENTS OF MAIL VOTER REGISTRATION FORM.—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury; and

(3) may not include any requirement for notarization or other formal authentication.

SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) PRIVATE RIGHT OF ACTION.—(1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under para-

graph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) ATTORNEY'S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) RELATION TO OTHER LAWS.—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

SEC. 12. CRIMINAL PENALTIES.

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 13. EFFECTIVE DATE.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on January 1, 1996; and

(2) with respect to any State not described in paragraph (1), on January 1, 1993.

Mr. FORD. Mr. President, the committee has authorized the modification of the committee amendment to make certain technical changes and to address the concerns of election officials.

Following the Rules Committee markup of S. 250, the committee heard from registrar's and other election officials who expressed concern on a provision in the committee amendment. That provision would permit a registrant who had changed addresses within the same registrar's jurisdiction and congressional district, to correct the record and vote at either their former polling place or the appropriate polling place for their new address. The registrars were concerned that the new polling place requirement would be difficult to administer in that it could require that every polling place have a complete list of eligible voters.

In response to these concerns, this modification provides that such a registrant could correct the record and vote at either the former polling place or a designated central location where a list of eligible voters is maintained. Permitting a voter to vote at his or her former polling place instead of requiring such a voter to reregister is consistent with the current practice in a number of States. It is the committee's intent that the "designated central location" should be accessible to voters and convenient, and should not be a location which could intimidate voters. An ideal site would be the office of the local register. However, another location may be appropriate if the local register's office is not accessible for voters.

This modification also provides that if a registrant appears at the appropriate polling place for their current address, the registrant must be permitted to update their address. If State law permits the registrant to vote at that polling place, the State need not designate a centrally located office.

The committee amendment permits States to require by law that new voters who register by mail vote in person the first time they vote, unless that person is guaranteed the right to vote by mail under certain laws. The modification would clarify that such exemption is for Federal laws only.

Some Members expressed concern that the effective date of 1994 for States which have constitutional obstacles to conforming their State statutes to avoid separate voting lists would not allow sufficient time for such a constitutional change. The modification would change the effective date to 1996 for such States. The effective date for all other States remains 1993.

The modification includes the definition of "registrar's jurisdiction" which was in the committee report. "Registrar's jurisdiction," for the purposes of the address correction provision, is defined as an incorporated city, town, borough, or other form of municipality; county, parish or other type of government unit, to which State law assigns voting registration responsibility.

The committee amendment required notices be sent by forwardable, first-class mail. Following the markup, the committee was made aware that registrars could take advantage of lower rates for other classes of mail which are also forwardable. Since the committee's concern is that such notices be forwardable, the modification would delete the first-class requirement. Due to the possible increase in time for delivery with other classes of mail, the modification would extend the period for States to complete their mail programs to 90 days before a Federal election.

Finally, the modification will permit organizations as well as individuals, and the Attorney General to bring civil actions under the act.

Mr. President, I ask unanimous consent that a summary of that modification be printed in the RECORD.

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

SUMMARY OF S. 250, THE NATIONAL VOTER REGISTRATION ACT OF 1991

Amendment in the Nature of a Substitute, As Modified (Changes from S. 250 are indicated in *italics*)

To establish national voter registration procedures for elections for Federal office, and for other purposes.

States shall establish procedures to permit voter registration: i. Simultaneously with application for a driver's license; ii. by uniform mail application; and iii. by application in person, either at an appropriate registration office, or at a Federal, State or private sector location—agency registration.

The Act does not apply to States with *either or both of the following:* in a State in which there is no voter registration requirement for any voter in the State with respect to elections for Federal office or to a State in which all voters may register to vote at the polling place at the time of voting in a general election for Federal office; *the term "State" means a State of the United States and the District of Columbia.*

DRIVER'S LICENSE APPLICATION REGISTRATION

1. Unless a person declines in writing, an application for or the renewal of a driver's license shall serve as an application for voter registration.

2. The voter registration application shall be part of the driver's license application; shall not require information which duplicates the license portion of the form except such information as shall be required to prevent duplicate registration and to make an assessment of eligibility; shall include a means by which an applicant may decline to register in writing; shall include a statement that specifies each eligibility requirement, contains attestation clause that applicant meets each requirement and requires signature of applicant under penalty of perjury; and shall be made available to appropriate state election officials.

3. A driver's license change of address notice may serve as a voter registration change of address *unless the driver declines.*

MAIL REGISTRATION

1. Each State shall accept and use a mail voter registration application form promulgated by the FEC. In addition, a State may develop and use its own form which meets the criteria of the FEC form. Notarization or other formal authentication is not allowed. Forms shall be readily available for public and private distribution, and especially for organized registration programs.

2. A State may, by law, require a personal appearance to vote if the person was registered to vote in a local jurisdiction by mail and the person has not previously voted in

that jurisdiction. Individuals who are entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act and those provided the right to vote other than in person by the Voting Accessibility for the Elderly and Handicapped Act are exempt.

AGENCY REGISTRATION

1. State, Federal and private sector locations shall be designated for the distribution and processing of voter registration applications. All offices providing public assistance, unemployment compensation, and related services, and all offices which provide State-funded programs primarily engaged in providing services to persons with disabilities, shall be included in the designated locations and shall provide same assistance in completion of registration application as is provided with regard to that agency's forms. States shall designate other agencies, such as libraries, schools, fishing/hunting license bureaus, marriage license offices, and any offices that provide services to persons with disabilities that are not included in the mandatory section, etc. to provide forms, assistance and processing of applications.

2. The Federal Government shall cooperate in this program.

3. An applicant for services may decline in writing to be registered to vote and no information relating to a declination may be used for any other purpose.

4. If a voter registration office designated by a State provides services to a person with disabilities at the person's home, the office shall provide the voting registration services at the person's home.

OTHER REQUIREMENTS

1. Registration cut-off is 30 days before election or such lesser period as State may provide.

2. State election officials will notify each applicant of the disposition of his or her registration application.

3. A voter's name may be removed from voter rolls only: (1) at the request of the voter; or (2) as provided by State law, by reason of criminal conviction or mental incapacity. The States shall conduct a general program that makes a reasonable *effort to remove the names of ineligible voters* by reason of (1) death; or (2) by reason of a change of residence of the voter. A voter's name may not be removed for non-voting.

4. Any State program or activity designed to ensure the maintenance of an accurate and current voter registration roll shall be uniform, nondiscriminatory, *and in compliance with the Voting Rights Act of 1965.*

5. *A State must complete a systematic procedure to confirm voting lists at least 90 days before a Federal election.*

6. *A State may use the National Change of Address [NCOA] program and be in full compliance with the requirements of the Act and may make the change of address on the registration rolls with a notification to the voter of such change.*

7. No State may remove the name of a voter from the rolls due to possible change of address unless the registrant confirms in writing having moved out of voting jurisdiction, or the voter fails to respond to a notice and does not appear to vote and correct the record during period between date of notice and second general election for Federal office. *Where the change of address is to an address covered by the same polling place, the voter shall be permitted to vote upon oral or written affirmation of the change of address. If a registrant has moved to a residence in a new polling place within the jurisdiction of the same voting registrar and the same congressional district, the registrant shall be permitted to vote in one of the following manners, at the option of the registrant: (1) with oral or written affirmation of the new address at the old polling place or, (2) upon written affirmation of the change of address at a designated central location where a list of eligible voters is maintained. Such a registrant may also appear at the appropriate polling place for the new address for the purposes of correcting the registration record, and shall vote, if permitted by State law. A State which permits voting at the new polling place is not required to designate a central location. If registration records indicate that a registrant has moved, the voter may vote upon oral or written affirmation that the voter continues to reside at the same address.*

8. The FEC will promulgate regulations, prescribe the mail registration application form for use by all States, and report to Congress its assessment of the Act's impact and its recommendations following each general Federal election.

9. Civil enforcement through injunction or declaratory relief may be brought by U.S. Attorney General, or a *person* with notice to the chief election official of the State. The rights and remedies established by the Act are in addition to any other rights and remedies provided by law and no provision shall supersede, restrict, or limit the application of the Voting Rights Act of 1965. *Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965.*

10. Federal criminal penalties will apply for registration offenses which are knowing and willful.

11. State and local voting registration officials would be able to receive reduced postal rates for the purpose of making any mailing which is required *or* authorized by the Act. This reduced rate would be funded through a revenue foregone appropriation.

12. Each State is required to maintain and make available for public inspection and copying upon payment of reasonable costs, all records concerning the implementation of programs and activities designed to ensure the accuracy of the voting rolls. These records shall include lists of the names and addresses of those individuals sent notices and information regarding whether or not these individuals have responded.

13. The effective date of the Act is January 1, 1993 for all States; except those States that have constitutional obstacles to conforming state requirements of the Act, in which case, the effective date would be January 1, 1996.

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized.

AMENDMENT NO. 1799

(Purpose: To regulate interstate commerce by providing for a uniform product liability law, and for other purposes)

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN], for himself, Mr. DANFORTH, Mr. MCCONNELL, and Mr. BURNS, proposes an amendment numbered 1799.

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

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

The amendment is as follows:

At the end of the committee amendment, add the following:

TITLE II—PRODUCT LIABILITY FAIRNESS

Subtitle A

SECTION 201. SHORT TITLE.

This title may be cited as the "Product Liability Fairness Act".

SEC. 202. DEFINITIONS.

As used in this title, the term—

(1) "claimant" means any person who brings a civil action pursuant to this title, and any person on whose behalf such an action is brought; if such an action is brought through or on behalf of an estate, the term includes the claimant's decedent, or if it is brought through or on behalf of a minor or incompetent, the term includes the claimant's parent or guardian;

(2) "clear and convincing evidence" is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established; the level of proof required to satisfy such standard is more than that required under preponderance of the evidence, but less than that required for proof beyond a reasonable doubt;

(3) "collateral benefits" means all benefits and advantages received or entitled to be received (regardless of any right any other person has or is entitled to assert for recoupment through subrogation, trust agreement, lien, or otherwise) by any claimant harmed by a product or by any other person as reimbursement of loss because of harm to person or property payable or required to be paid to the claimant, under—

(A) "any Federal law or the laws of any State (other than through a claim for breach of an obligation or duty); or

(B) "any life, health, or accident insurance or plan, wage or salary continuation plan, or disability income or replacement service insurance, or any benefit received or to be received as a result of participation in any prepaid medical plan or health maintenance organization;

(4) "commerce" means trade, traffic, commerce, or transportation (A) between a place in a State and any place outside of that State; or (B) which affects trade, traffic, commerce, or transportation described in clause (A);

(5) "commercial loss" means economic injury, whether direct, incidental, or consequential, including property damage and damage to the product itself;

(6) "economic loss" means any pecuniary loss resulting from harm which is allowed under State law;

(7) "exercise of reasonable care" means conduct of a person of ordinary prudence and intelligence using the attention, precaution, and judgment that society expects of its members for the protection of their own interests and the interests of others;

(8) "harm" means any harm recognized under the law of the State in which the civil action is maintained, other than loss or damage caused to a product itself, or commercial loss;

(9) "manufacturer" means (A) any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product) and who designs or formulates the product (or component part of the product) or has engaged another person to design or formulate the product (or component part of the product); (B) a product seller with respect to all aspects of a product (or component part of a product)

which are created or affected when, before placing the product in the stream of commerce, the product seller produces, creates, makes, or constructs and designs or formulates, or has engaged another person to design or formulate, an aspect of a product (or component part of a product) made by another; or (C) any product seller not described in clause (B) which holds itself out as a manufacturer to the user of a product;

(10) "noneconomic loss" means loss caused by a product other than economic loss or commercial loss;

(11) "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity);

(12) "preponderance of the evidence" is that measure or degree of proof which, by the weight, credit, and value of the aggregate evidence on either side, establishes that it is more probable than not that a fact occurred or did not occur;

(13) "product" means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state (A) which is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient; (B) which is produced for introduction into trade or commerce; (C) which has intrinsic economic value; and (D) which is intended for sale or lease to persons for commercial or personal use; the term does not include human tissue, blood and blood products, or organs unless specifically recognized as a product pursuant to State law;

(14) "product seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce, or who installs, repairs, or maintains the harm-causing aspect of a product; the term does not include—

(A) a seller or lessor of real property;

(B) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(C) any person who—

(i) acts in only a financial capacity with respect to the sale of a product; and

(ii) leases a product under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor; and

(15) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 203. PREEMPTION.

(a) This title governs any civil action brought against a manufacturer or product seller, or any theory, for harm caused by a product. A civil action brought against a manufacturer or product seller for loss or damage to a product itself or for commercial loss is not subject to this title and shall be governed by applicable commercial or contract law.

(b) This title supersedes any State law regarding recovery for harm caused by a product only to the extent that this title establishes a rule of law applicable to any such recovery. Any issue arising under this title that is not governed by any such rule of law shall be governed by applicable State or Federal law.

(c) Nothing in this title shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) supersede any Federal law, except the Federal Employees Compensation Act and the Longshoremen's and Harbor Workers' Compensation Act;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede any statutory or common law, including an action to abate a nuisance, that authorizes a State or person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief resulting from contamination or pollution of the environment, or the threat of such contamination or pollution.

(d) As used in this section, "environment" has the meaning given to such term in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8)).

(e) This title shall be construed and applied after consideration of its legislative history to promote uniformity of law in the various jurisdictions.

SEC. 204. JURISDICTION OF FEDERAL COURTS.

The district courts of the United States shall not have jurisdiction over any civil action pursuant to this title, based on section 1331 or 1337 of title 28, United States Code.

SEC. 205. EFFECTIVE DATE.

(a) This title shall take effect on the date of its enactment and shall apply to all civil actions pursuant to this title commenced on or after such date, including any action in which the harm or the conduct which caused the harm occurred before the effective date of this title.

(b) If any provision of this title would shorten the period during which a manufacturer or product seller would otherwise be exposed to liability, the claimant may, notwithstanding the otherwise applicable time period, bring any civil action pursuant to this title within one year after the effective date of this title.

SUBTITLE B

SEC. 221. EXPEDITED PRODUCT LIABILITY SETTLEMENTS.

(a) Any claimant may bring a civil action for damages against a person for harm caused by a product pursuant to applicable State law, except to the extent such law is superseded by this subtitle.

(b) Any claimant may, in addition to any claim for relief made in accordance with State law, include in such claimant's complaint an offer of settlement for a specific dollar amount.

(c) The defendant may make an offer of settlement for a specific dollar amount within sixty days after service of the claimant's complaint or within the time permitted pursuant to State law for a responsive pleading, whichever is longer, except that if such pleading includes a motion to dismiss in accordance with applicable law, the defendant may tender such relief to the claimant within ten days after the court's determination regarding such motion.

(d) In any case in which an offer of settlement is made pursuant to subsection (b) or (c) of this section, the court may, upon motion made prior to the expiration of the applicable period for response, enter an order extending such period. Any such order shall contain a schedule for discovery of evidence material to the issue of the appropriate amount of relief, and shall not extend such period for more than sixty days. Any such motion shall be accompanied by a supporting affidavit of the moving party setting forth the reasons why such extension is necessary to promote the interests of justice and stating that the information likely to be discovered is material, and is not, after reasonable inquiry, otherwise available to the moving party.

(e) If the defendant, as offeree, does not accept the offer of settlement made by a claimant in accordance with subsection (b) of this section within the time permitted pursuant to State law for a responsive pleading or, if such pleading includes a motion to dismiss in accordance with applicable law, within thirty days after the court's determination regarding such motion, and a verdict is entered in such action equal to or greater than the specified dollar amount of such offer of settlement, the court shall enter judgment against the defendant and shall include in such judgment an amount for the claimant's reasonable attorney's fees and costs. Such fees shall be offset against any fees owed by the claimant to the claimant's attorney by reason of the verdict.

(f) If the claimant, as offeree, does not accept the offer of settlement made by a defendant in accordance with subsection (c) of this section within thirty days after the date on which such offer is made and a verdict is entered in such action equal to or less than the specific dollar amount of such offer of settlement, the court shall reduce the amount of the verdict in such action by an amount equal to the reasonable attorney's fees and costs owed by the defendant to the defendant's attorney by reason of the verdict, except that the amount of such reduction shall not exceed that portion of the verdict which is allowable to noneconomic loss and economic loss for which the claimant has received or will receive collateral benefits.

(g) For purposes of this section, attorney's fees shall be calculated on the basis of an hourly rate which should not exceed that which is considered acceptable in the community in which the attorney practices, considering the attorney's qualifications and experience and the complexity of the case.

SEC. 222. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

(a) In lieu of or in addition to making an offer of settlement under section 221 of this title, a claimant or defendant may, within the time permitted for the making of such an offer under section 221 of this title, offer to proceed pursuant to any voluntary alternative dispute resolution procedure established or recognized under the law of the State in which the civil action for damages for harm caused by a product is brought or under the rules of the court in which such action is maintained.

(b) If the offeree refuses to proceed pursuant to such alternative dispute resolution procedure and the court determines that such refusal was unreasonable or not in good faith, the court shall assess reasonable attorney's fees and costs against the offeree.

(c) For the purposes of this section, there shall be created a rebuttable presumption that a refusal by an offeree to proceed pursuant to such alternative dispute resolution procedure was unreasonable or not in good faith, if a verdict is rendered in favor of the offeror.

SUBTITLE C

SEC. 231. CIVIL ACTIONS

A person seeking to recover for harm caused by a product may bring a civil action against the product's manufacturer or product seller pursuant to applicable State or Federal law, except to the extent such law is superseded by this title.

SEC. 232. UNIFORM STANDARDS OF PRODUCT SELLER LIABILITY.

(a) Notwithstanding the provisions of section 231 of this title, in any civil action for harm caused by a product, a product seller other than a manufacturer is liable to a claimant, only if the claimant establishes by a preponderance of the evidence that—

(1)(A) the individual product unit which allegedly caused the harm complained of was sold by the defendant; (B) the product seller failed to exercise reasonable care with respect to the product; and (C) such failure to exercise reasonable care was a proximate case of the claimant's harm; or

(2)(A) the product seller made an express warranty, independent of any express warranty made by a manufacturer as to the same product; (B) the product failed to conform to the warranty; and (C) the failure of the product to conform to the warranty caused the claimant's harm.

(b)(1) In determining whether a product seller is subject to liability under subsection (a)(1) of this section, the trier of fact may consider the effect of the conduct of the product seller with respect to the construction, inspection, or condition of the product, and any failure of the product seller to pass on adequate warnings or instructions from the product's manufacturer about the dangers and proper use of the product.

(2) A product seller shall not be liable in a civil action subject to this subtitle based upon an alleged failure to provide warnings or instructions unless the claimant establishes that, when the product left the possession and control of the product seller, the product seller failed—

(A) to provide to the person to whom the product seller relinquished possession and control of the product any pamphlets, booklets, labels, inserts, or other written warnings or instructions received while the product was in the product seller's possession and control; or

(B) to make reasonable efforts to provide users with those warnings and instructions which it received after the product left its possession and control.

(3) A product seller shall not be liable in a civil action subject to this subtitle except for breach of express warranty where there was no reasonable opportunity to inspect the product in a manner which would or should, in the exercise of reasonable care, have revealed the aspect of the product which allegedly caused the claimant's harm.

(c) A product seller shall be treated as the manufacturer of a product and shall be liable for harm to the claimant caused by a product as if it were the manufacturer of the product if—

(1) the manufacturer is not subject to service of process under the laws of any State in which the action might have been brought; or

(2) the court determines that the claimant would be unable to enforce a judgment against the manufacturer.

SEC. 233. UNIFORM STANDARDS FOR AWARD OF PUNITIVE DAMAGES.

(a) Punitive damages may, if otherwise permitted by applicable law, be awarded in any civil action subject to this subtitle to any claimant who establishes by clear and convincing evidence that the harm suffered was the result of conduct manifesting a manufacturer's or product seller's conscious, flagrant indifference to the safety of those persons who might be harmed by a product. A failure to exercise reasonable care in choosing among alternative product designs, formulations, instructions, or warnings is not of itself such conduct. Except as provided in subsection (b) of this section, punitive damages may not be awarded in the absence of a compensatory award.

(b) In any civil action in which the alleged harm to the claimant is death and the applicable State law provides, or has been construed to provide, for damages only punitive in nature, a defendant may be liable for any such damages regardless of whether a claim is asserted under this section. The recovery of any such damages shall not bar a claim under this section.

(c)(1) Punitive damages shall not be awarded pursuant to this section against a manufacturer or product seller of a drug (as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))) or medical device (as defined under section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))) which caused the claimant's harm where—

(A) such drug or device was subject to premarket approval by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such drug or device which caused the claimant's harm or the adequacy of the packaging or labeling of such drug or device, and such drug was approved by the Food and Drug Administration; or

(B) the drug is generally recognized as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable regulations, including packaging and labeling regulations.

The provisions of this paragraph shall not apply (i) in any case in which the defendant withheld from or misrepresented to the Food and Drug Administration or any other agency or official of the Federal Government information that is material and relevant to the performance of such drug or device, or (ii) in any case in which the defendant made an illegal payment to an official of the Food and Drug Administration for the purpose of securing approval of such drug or device.

(2) Punitive damages shall not be awarded pursuant to this section against a manufacturer of an aircraft which caused the claimant's harm where—

(A) such aircraft was subject to pre-market certification by the Federal Aviation Administration with respect to the safety of the design or performance of the aspect of such aircraft which caused the claimant's harm or the adequacy of the warnings regarding the operation or maintenance of such aircraft;

(B) the aircraft was certified by the Federal Aviation Administration under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.); and

(C) the manufacturer of the aircraft complied, after delivery of the aircraft to a user, with Federal Aviation Administration requirements and obligations with respect to continuing airworthiness, including the requirement to provide maintenance and service information related to airworthiness whether or not such information is used by the Federal Aviation Administration in the preparation of mandatory maintenance, inspection, or repair directives.

The provisions of this paragraph shall not apply in any case in which the defendant withheld from or misrepresented to the Federal Aviation Administration information that is material and relevant to the performance or the maintenance or operation of such aircraft.

(d) At the request of the manufacturer or product seller, the trier of fact shall consider in a separate proceeding (1) whether punitive damages are to be awarded and the amount of such award, or (2) the amount of punitive damages following a determination of punitive liability. If a separate proceeding is requested, evidence relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(e) In determining the amount of punitive damages, the trier of fact shall consider all relevant evidence, including—

(1) the financial condition of the manufacturer or product seller;

(2) the severity of the harm caused by the conduct of the manufacturer or product seller;

(3) the duration of the conduct or any concealment of it by the manufacturer or product seller;

(4) the profitability of the conduct to the manufacturer or product seller;

(5) the number of products sold by the manufacturer or product seller of the kind causing the harm complained of by the claimant;

(6) awards of punitive or exemplary damages to persons similarly situated to the claimant;

(7) prospective awards of compensatory damages to persons similarly situated to the claimant;

(8) any criminal penalties imposed on the manufacturer or product seller as a result of the conduct complained of by the claimant; and

(9) the amount of any civil fines assessed against the defendant as a result of the conduct complained of by the claimant.

SEC. 234. UNIFORM TIME LIMITATIONS ON LIABILITY.

(a) Any civil action subject to this subtitle shall be barred unless the complaint is filed within two years of the time the claimant discovered or, in the exercise of reasonable care, should have discovered the harm and its cause, except that any such action of a person under legal disability may be filed within two years after the disability ceases. If the commencement of such an action is stayed or enjoined, the running of the statute of limitations under this section shall be suspended for the period of the stay or injunction.

(b)(1) Any civil action subject to this subtitle shall be barred if a product which is a capital good is alleged to have caused harm which is not a toxic harm unless the complaint is served and filed within twenty-five years after the time of delivery of the product. This subsection shall apply only if the court determines that the claimant has received or would be eligible to receive compensation under any State or Federal workers' compensation law for harm caused by the product.

(2) A motor vehicle, vessel, aircraft, or railroad used primarily to transport passengers for hire shall not be subject to the provisions of this subsection.

(3) As used in this section, the term—

(A) "time of delivery" means the time when a product is delivered to its first purchaser or lessee who was not involved in the business of manufacturing or selling such product or using it as a component part of another product to be sold;

(B) "capital good" means any product, or any component of any such product, which is of a character subject to allowance for depreciation under the Internal Revenue Code of 1986, and which was—

(i) used in a trade or business;

(ii) held for the production of income; or

(iii) sold or donated to a governmental or private entity for the production of goods, for training, for demonstration, or for other similar purposes; and

(C) "toxic harm" means harm which is functional impairment, illness, or death of a human being resulting from exposure to an object, substance, mixture, raw material, or physical agent of particular chemical composition.

(c) Nothing in this section shall affect the right of any person who is subject to liability for harm under this title to seek and obtain contribution or indemnity from any other person who is responsible for such harm.

SEC. 235. WORKERS' COMPENSATION SUBROGATION STANDARDS.

(a)(1) An employer or worker's compensation insurer of an employer shall have a right of subrogation against a manufacturer or product seller to recover the sum of the amount paid as workers' compensation benefits and the present value of all workers' compensation benefits to which the employee is or would be entitled for harm caused to an employee by a product if the harm is one for which a civil action has been brought pursuant to this title. To assert a right of subrogation an employer or workers' compensation insurer of an employer shall provide written notice that it is asserting a right of subrogation to the court in which the claimant has filed a complaint. The employer or workers' compensation insurer of the employer shall not be required to be a necessary and proper party to the proceeding instituted by the employee.

(2) In any proceeding against or settlement with the manufacturer or product seller, the employer or the workers' compensation insurer of the employer shall have an opportunity to participate and to assert a right of subrogation upon any payment made by the manufacturer or product seller by reason of such harm, whether paid in settlement, in satisfaction of judgment, as consideration for covenant not to sue, or otherwise. Neither the employee nor the employer shall make any settlement with or accept any payment from the manufacturer or product seller without the written consent of the other and no release to or agreement with the manufacturer or product seller shall be valid or enforceable for any purpose unless both employer and employee join therein. However, the preceding sentence shall not apply if the employer or workers' compensation insurer of the employer is made whole for all benefits paid in workers' compensation benefits.

(3) If the manufacturer or product seller attempts to persuade the trier of fact that the claimant's harm was caused by the fault of the claimant's employer or coemployees, then the issue whether the claimant's harm was caused by the claimant's employer or coemployees shall be submitted to the trier of fact. If the manufacturer or product seller so attempts to persuade the trier of fact it shall provide notice to the employer. The employer shall have the right to appear, to be represented, to introduce evidence, to cross-examine adverse witnesses, and to argue to the trier of fact as to this issue as fully as though it were a party although not named or joined as a party to the proceeding. Such issue shall be the last issue submitted to the trier of fact. If the trier of fact finds by clear and convincing evidence that the claimant's harm was caused by the fault of the claimant's employer or coemployees then the court shall reduce the damages awarded by the trier of fact against the manufacturer or product seller by the sum of the amount paid as workers' compensation benefits to which the employee is or would be entitled for such harm, and the manufacturer or product seller shall have no further right by way of contribution or otherwise against the employer.

(4) If the verdict shall be that the claimant's harm was not caused by the fault of the claimant's employer or coemployees, then the manufacturer or product seller shall reimburse the employer or workers' compensation insurer of the employer for reasonable attorneys' fees and court costs incurred in the resolution of the subrogation claim, as determined by the court.

(b)(1) In any civil action subject to this subtitle in which damages are sought for harm for which the person injured is or would have been entitled to receive compensation under any State or Federal workers' compensation law, no third party tortfeasor may maintain any action for implied indemnity or contribution against the employer, any coemployee, or the exclusive representative of the person who was injured.

(2) Nothing in this title shall be construed to affect any provision of a State or Federal workers' compensation law which prohibits a person who is or would have been entitled to receive compensation under any such law, or any other person whose claim is or would have been derivative from such a claim, from recovering for harm caused by a product in any action other than a workers' compensation claim against a present or former employer or workers' compensation insurer of the employer, any coemployee, or the exclusive representative of the person who was injured.

(3) Any action other than as provided in paragraph (2) shall be prohibited, except that nothing in this title shall be construed to affect any State or Federal workers' compensation law which permits recovery based on a claim of an intentional tort by the employer or coemployee, where the claimant's harm was caused by such an intentional tort.

(c) In any civil action subject to this subtitle in which damages are sought for harm for which the person injured is entitled to receive compensation under any State of Federal workers' compensation law, the action shall, on application of the claimant made at the claimant's sole discretion, be stayed until such time as the full amount payable as workers' compensation benefits has been finally determined under such workers' compensation law. The determination of workers' compensation benefits by the trier of fact in a civil action subject to this subtitle shall have no binding effect on and shall not be used as evidence in any other proceeding.

(d) A claimant in a civil action subject to this subtitle who is or may be eligible to receive compensation under any State or Federal workers' compensation law must provide written notice of the filing of the civil action to the claimant's employer within 30 days of the filing. The written notice shall include information regarding the date and court in which the civil action was filed, the names and addresses of all plaintiffs and defendants appearing on the complaint, the court docket number if available, and a copy of the complaint which was filed in the civil action.

SEC. 236. SEVERAL LIABILITY FOR NONECONOMIC DAMAGES

(a) In any product liability action, the liability of each defendant for noneconomic damages shall be several only and shall not be joint. Each defendant shall be liable only for the amount of noneconomic damages allocated to such defendant in direct proportion to such defendant's percentage of responsibility as determined under subsection (b) of this section. A separate judgment shall be rendered against such defendant for that amount.

(b) For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

(c) As used in this section, the term—

(1) "noneconomic damages" means subjective, nonmonetary losses including, but not limited to, pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation; the term does not include objectively verifiable monetary losses including, but not limited to, medical expenses, loss of earnings, burial costs, loss of use of property, costs of repair or replacement, costs of obtaining substitute domestic services, rehabilitation and training expenses, loss of employment, or loss of business or employment opportunities; and

(2) "product liability action" includes any action involving a claim, third-party claim, cross-claim, counterclaim, or contribution claim in a civil action in which a manufacturer or product seller is found liable for harm caused by a product.

SEC. 237. DEFENSES INVOLVING INTOXICATING ALCOHOL OR DRUGS.

(a) In any civil action subject to this title in which all defendants are manufacturers or product sellers, it shall be a complete defense to such action that the claimant was intoxicated or was under the influence of intoxicating alcohol or any drug and that as a result of such intoxication of the influence of the alcohol or drug the claimant was more than 50 percent responsible for the accident or event which resulted in such claimant's harm.

(b) In any civil action subject to this title in which not all defendants are manufacturers or product sellers and the trier of fact determines that no liability exists against those defendants who are not manufacturers or product sellers, the court shall enter a judgment notwithstanding the verdict in favor of any defendant which is a manufacturer or product seller if it is proved that the claimant was intoxicated or was under the influence of intoxicating alcohol or any drug and that as a result of such intoxication or the influence of the alcohol or drug the claimant was more than 50 percent responsible for the accident or event which resulted in such claimant's harm.

(c)(1) For purposes of this section, the determination of whether a person was intoxicated or was under the influence of intoxicating alcohol or any drug shall be made pursuant to applicable State law.

(2) As used in this section, the term "drug" means any non-over-the-counter drug which has not been prescribed by a physician for use by the claimant.

TITLE III—GENERAL AVIATION ACCIDENT LIABILITY STANDARDS

SEC. 301. SHORT TITLE.

This title may be cited as the "General Aviation Accident Liability Standards Act of 1991".

SEC. 302. FINDINGS AND PURPOSE.

(a) The Congress finds that—

(1) transportation by air of passengers continues to comprise an increasingly important component of the Nation's overall transportation system;

(2) although the incidence of injuries to passengers in general aviation accidents has decreased, the number of general aviation accident liability claims against general aviation aircraft manufacturers and the amount of damages sought in such claims is increasing at disproportionate rates, beyond any relationship to the quality of the aircraft manufactured and in use;

(3) the current system for determining liability and damages for compensating individuals injured in general aviation accidents is inadequate;

(4) competent general aviation manufacturers and component part manufacturers are ceasing or limiting production of general aviation aircraft or some models of such aircraft because of the increasing costs and unavailability of product liability insurance;

(5) the increase in the number of liability claims and the size of awards and settlements, and the excessive time and expense devoted to the resolution of such claims, impose a substantial economic burden on general aviation manufacturers and their dealers;

(6) the Federal Government has an interest in the general aviation accident liability system because the Federal Government has established a comprehensive system for regulating general aviation, including—

(A) establishing standards for design, construction, and certification of general aviation aircraft,

(B) establishing standards for maintenance of aircraft, licensing of repair facilities, and licensing of persons who may perform or approve maintenance, repairs, and inspections,

(C) establishing standards for training and licensing of pilots,

(D) establishing a comprehensive air control system,

(E) conducting investigations to determine the probable cause of aviation accidents and prevent future accidents, and

(F) conducting other activities necessary to assure a safe air transportation system;

and this Federal system is the exclusive legal authority for regulating aviation operations and safety;

(7) it is in the national interest to reduce unnecessary expenditures related to general aviation accident liability claims while providing more rapid and more efficient compensation for individuals harmed in general aviation accidents; and

(8) Federal action to reform the general aviation accident liability system will result in—

(A) the maintenance of airworthy general aviation aircraft; and

(B) a more rational general aviation accident liability system.

(b) It is the purpose of this title to establish standards for determining liability for harm arising out of general aviation accidents.

SEC. 303. DEFINITIONS.

As used in this title, the term—

(1) "Administrator" means the Administrator of the Federal Aviation Administration;

(2) "claimant" means any person who brings a general aviation accident liability action subject to this Act, and any person on whose behalf such an action is brought, including—

(A) the claimant's decdent; and

(B) the claimant's parent or guardian, if the action is brought through or on behalf of a minor or incompetent;

(3) "general aviation accident" means any accident which arises out of the operation of any general aviation aircraft and which results in harm:

(4) "general aviation aircraft" means any powered aircraft for which a type certificate or an airworthiness certificate has been issued by the Administrator under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.) which, at the time such certificate was originally issued, had a maximum seating capacity of fewer than twenty passengers, and which is not, at the time of the accident, engaged in scheduled passenger carrying operations as defined in regulations issued under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.);

(5) "general aviation manufacturer" means—

(A) the builder or manufacturer of the airframe of a general aviation aircraft;

(B) the manufacturer of the engine of a general aviation aircraft; and

(C) the manufacturer of any system, component, subassembly, or other part of a general aviation aircraft;

(6) "harm" means—

(A) property damage or bodily injury sustained by a person;

(B) death resulting from such bodily injury;

(C) pain and suffering which is caused by such bodily injury; and

(D) emotional harm (including bereavement and loss of affection, care, or society) which is caused by such bodily injury;

(7) "product" means a general aviation aircraft and any system, component, subassembly, or other part of a general aviation aircraft; and

(8) "property damage" means physical injury to tangible property, including loss of use of tangible property.

SEC. 304. PREEMPTION; APPLICABILITY.

(a) This title supersedes any State law regarding recovery, under any legal theory, for harm arising out of a general aviation accident, to the extent that this Act establishes a rule of law or procedure applicable to the claim.

(b) Nothing in this title shall be construed to supersede or to waive or affect any defense of sovereign immunity asserted by the United States or any State.

(c) Nothing in this title shall be construed to affect the liability of a manufacturer, owner, or operator of any aircraft that is not a general aviation aircraft, or a person who repairs, maintains, or provides any other support for any aircraft that is not a general aviation aircraft, for damages for harm arising out of the operation of an aircraft that is not a general aviation aircraft.

(d) No right of action for harm exists under this title if that right would be inconsistent with the provisions of any applicable workers' compensation law.

(e) The provisions of this title shall apply only to—

(1) any manufacturer, owner, or operator of any general aviation aircraft, and any person who repairs, maintains, or provides any other support for such an aircraft;

(2) any occupant of a general aviation aircraft at the time of a general aviation accident, and any person who brings an action for harm caused by such accident on behalf of such occupant; and

(3) any nonoccupant of a general aviation aircraft at the time of a general aviation accident, only if such nonoccupant is bringing an action for harm caused by such accident which arises out of the harm to an occupant of such aircraft at the time of such accident.

SEC. 305. UNIFORM STANDARDS OF LIABILITY FOR GENERAL AVIATION ACCIDENTS.

(a) Any person claiming damages for harm arising out of a general aviation accident may bring an action against a party and may recover damages from such party, if such party was negligent and such negligence is a proximate cause of the claimant's harm.

(b)(1) Any person claiming damages for harm arising out of a general aviation accident may bring an action against a general aviation manufacturer of a product and may recover damages from such general aviation manufacturer if—

(A) the product, when it left the control of the manufacturer, was in a defective condition unreasonably dangerous for its intended purpose, according to engineering and manufacturing practices which were reasonably feasible;

(B) the defective condition is a proximate cause of the claimant's harm; and

(C) the general aviation aircraft was being used at the time of the accident for a purpose and in a manner for which it was designed and manufactured.

(2) Any person claiming damages for harm arising out of a general aviation accident may bring an action against a general aviation manufacturer of a product and may recover damages from such general aviation manufacturer if—

(A) at the time the product left the control of the manufacturer, the manufacturer—

(i) knew, or in the exercise of reasonable care should have known, about a danger connected with the product that caused the claimant's harm; and

(ii) failed to provide the warnings or instructions that a person exercising reasonable care would have provided with respect to the danger which caused the harm alleged by the claimant, unless such warnings or instructions, if provided, would not have materially affected the conduct of the user of the product; or

(B) after the product left the control of the general aviation manufacturer, the manufacturer—

(i) knew, or in the exercise of reasonable care should have known, about the danger which caused the claimant's harm; and

(ii) failed to take reasonable steps to provide warnings or instructions, after the manufacture of the product, which would have been provided by a person exercising reasonable care, unless such warnings or instructions, if provided, would not have materially affected the conduct of the product user; and the failure to provide warnings or instructions described in subparagraph (A) or (B) of this paragraph is a proximate cause of the claimant's harm.

(3) Any person claiming damages for harm arising out of general aviation accident may bring an action against a general aviation manufacturer of a product and may recover damages from such general aviation manufacturer if—

(A) the manufacturer made an express warranty with respect to the product;

(B) such warranty relates to that aspect of the product which caused the harm;

(C) the product failed to conform to such warranty; and

(D) the failure of the product to confirm to such warranty is a proximate cause of the claimant's harm.

(c)(1) In an action governed by subsection (b) of this section, a general aviation manufacturer shall not be liable if such manufacturer proves, by a preponderance of the evidence, that—

(A) the defective condition could have been corrected by compliance with action described in an airworthiness directive issued by the Administrator; and

(B) such directive was issued by a reasonable time before the date of the accident and after the product left the control of the general aviation manufacturer.

(2) In any action governed by subsection (b) of this section, evidence of compliance with standards, conditions or specifications established, adopted or approved by the Federal Aviation Administration shall be admissible with regard to whether the product was defective and unreasonably dangerous for its intended purpose.

SEC. 306. COMPARATIVE RESPONSIBILITY.

(a) All actions for harm arising out of a general aviation accident shall be governed by the principles of comparative responsibility. Comparative responsibility attributed to the claimant's conduct shall not bar recovery in an action under this title, but shall reduce any damages awarded to the claimant in an amount proportionate to the responsibility of the claimant. The trier of fact shall determine comparative responsibility by making findings indicating the percentage of total responsibility for the claimant's harm attributable to the claimant, each defendant, each third-party defendant, and any other person not a party to the action.

(b) Except as provided in subsection (c) of this section, a defendant is severally but not jointly liable in any action for harm arising out of a general aviation accident, and the liability of any defendant in any such action shall be determined on the basis of such defendant's proportionate share of responsibility for the claimant's harm.

(c) In any action for harm arising out of a general aviation accident—

(1) a general aviation manufacturer who is the builder or manufacturer of the airframe of the general aviation aircraft involved is jointly and severally liable for harm caused by a defective system, component, subassembly, or other part of such aircraft that the manufacturer installed or certified as part of the original type design for such aircraft; and

(2) a general aviation manufacturer who is the manufacturer of a system or component of the general aviation aircraft involved is jointly and severally liable for damages caused by a defective subassembly or other part of such system or component.

(d) A general aviation manufacturer and any other person jointly liable under subsection (c) of this section shall have the right to bring on action for indemnity or contribution against any person with whom they are jointly liable under subsection (c) of this section.

SEC. 307. TIME LIMITATION OF LIABILITY.

(a) Except as provided in subsection (b) of this section, no civil action for harm arising out of a general aviation accident which is brought against a general aviation manufacturer may be brought for harm which is alleged to have been caused by an aircraft or a system, component, subassembly, or other part of an aircraft and which occurs more than—

(1) twenty years from—

(A) the date of delivery of the aircraft to its first purchaser or lessee, if delivered directly from the manufacturer; or

(B) the date of first delivery of the aircraft to a person engaged in the business of selling or leasing such an aircraft; or

(2) with respect to any system, component, subassembly, or other part which replaced another product in, or which was added to, the aircraft, and which is alleged to have caused the claimant's harm, twenty years from the date of the replacement or addition.

(b) Subsection (a) of this section does not apply in the case of harm to a claimant which occurs after the period set forth in subsection (a) of this section if the general aviation manufacturer or the seller of the product that caused the claimant's harm gave an express warranty that the product would be suitable, for the purpose for which it was intended, for a longer period of time.

(c) Nothing in this section shall be construed to affect a person's duty to provide, after the sale or lease of an aircraft, to aircraft owners, and to repair facilities to which a license or certificate to perform repairs has been issued by the Administrator, additional or modified warnings or instructions regarding the use or maintenance of such aircraft or any system, component, or other part of such aircraft.

SEC. 308. SUBSEQUENT REMEDIAL MEASURES.

In any general aviation accident liability action governed by this title, evidence of any measure taken after an event which, if taken previously, would have made the event less likely to occur is not admissible to provide liability. Such evidence is admissible to the extent permitted under rule 407 of the Federal Rules of Evidence.

SEC. 309. ADMISSIBILITY OF CERTAIN EVIDENCE.

In an action governed by this title, evidence of Federal, State, or local income tax liability or any Social Security or other payroll tax liability attributable to past or future earnings, support, or profits and the present value of future earnings, support, or profits alleged to have been lost or diminished because of harm arising out of a general aviation accident is admissible regarding proof of the claimant's harm.

SEC. 310. PUNITIVE DAMAGES.

(a) Punitive damages may be awarded in an action under this title for harm arising out of a general aviation accident only if the claimant establishes by clear and convincing evidence that the harm suffered was the direct result of conduct manifesting a conscious, flagrant indifference to the safety of those persons who might be harmed by use of the general aviation aircraft involved.

(b) Evidence regarding the financial worth of a defendant or the defendant's profits or any other evidence relating solely to a claim for punitive damages under this Act is not admissible unless the claimant establishes, before any such evidence is offered, that the claimant can present evidence that will establish prima facie proof of conduct manifesting a conscious, flagrant indifference to the safety of those persons who might be harmed by use of the general aviation aircraft involved.

SEC. 311. TIME LIMITATION ON BRINGING ACTIONS.

Any action for harm arising out of a general aviation accident shall be barred, notwithstanding any State law, unless—

(1) the complaint is filed within two years after the date on which the accident occurred which caused the claimant's harm; and

(2) the summons and complaint are properly served upon the defendant within one hundred and twenty days after the filing of such complaint, unless the party on whose behalf such service is required can show good cause why such service was not made within such one-hundred-and-twenty-day period.

Paragraph (2) of this subsection shall not apply to service of process in a foreign country pursuant to rule 4(i) of the Federal Rules of Civil Procedure or any similar State law.

SANCTIONS

SEC. 312.

It is the intent of Congress that, with respect to any action governed by this title, the sanctions for violation of rule 11 of the Federal Rules of Civil Procedure, including orders to pay to the other party or parties the amount of their reasonable expenses, including a reasonable attorney's fee, be strictly enforced.

JURISDICTION

SEC. 313.

(a) The district courts of the United States, concurrently with the State courts, shall have original jurisdiction, in all civil actions where the matter in controversy exceeds the sum or value of $50,000, exclusive of interest and costs, for harm arising out of a general aviation accident and in all actions for indemnity or contribution described in section 306(d) of this title.

(b) A civil action which is brought in a State court, and may be removed to the district court of the United States for the district embracing the place where the action is pending, without the consent of any other party, by any defendant against whom a claim in such action is asserted for harm arising out of a general aviation accident.

(c) In any case commenced in or removed to a district court of the United States under section (a) or (b) of this section, the court shall have jurisdiction to determine all claims under State law that arise out of the same general aviation accident, if a substantial question of fact is common to the claims under State law and to the Federal claim, defense or counterclaim.

(d)(1) A civil action in which the district courts of the United States have jurisdiction under subsection (a) of this section may be brought only in a district in which—

(A) the accident giving rise to the claim occurred; or

(B) any plaintiff or defendant resides.

(2) In an action pending in a district court of the United States under paragraph (a) of this subsection, a district court may, on motion of any party or its own motion, transfer the action of any other district for the convenience of parties and witnesses in the interest of justice

(3) For purposes of this subsection, a corporation shall be considered to be a resident of any State in which it is incorporated or licensed to do business or is doing business.

SEVERABILITY

SEC. 314

If any provision of this title or the application of the provision to any person or circumstance is held invalid, the remainder of this title and the application of the provision to any other person or circumstance shall not be affected by such invalidation.

EFFECTIVE DATE

SEC. 315

(a) This title shall apply to any civil action for harm arising out of a general aviation accident which is filed on or after the date of enactment of this title.

(b) If an action governed by this title is filed within one hundred and eighty days after the date of enactment of this title, liberal leave shall be given to a party to amend any pleading, motion, statement of jurisdiction or venue, or other matter to conform to the provisions of this title.

Mr. KASTEN. Mr. President, S. 640, the Product Liability Fairness Act, is currently on the calendar as Order No. 321. It should be taken up by the Senate. This legislation is the same as that which was reported by the Senate Commerce Committee by a vote of 13–7, had a hearing before the Senate Judiciary Committee, and unfortunately was not acted upon before the last Congress adjourned.

I am joined by 39 of my colleagues, from both sides of the aisle, who have cosponsored S. 640 because they recognize the need for the reasonable, moderate reform of our product liability rules.

The amendment I sent to the desk includes the committee passed S. 640 language, corrective language to section 305 dealing with workers compensation, and the text of S. 645, the General Aviation Accident Standards Act.

The effort to enact product liability reform has been one which the Senate Commerce Committee has considered since 1981. We are bringing before the Senate a measure that is balanced, does not deprive injured victims of any causes of action, does not contain any limits, or caps, on damages, and has the cosponsorship of 40 Members of the Senate.

President Bush and his administration are strongly in support of this measure. The President again called for tort and product liability reform in his State of the Union Address this year. His Competitiveness Council, headed by Vice President Quayle, continues to make this issue its No. 1 priority. All of this is reflective of the concerns that large and small businesses alike have with our current system.

Our product liability reform measure is justified on several grounds. We have a system that is slow in compensating victims who deserve compensation, costly to all parties, and unpredictable due to the state-by-state patchwork that we have today. Above all, we seek a system based on fairness.

Provisions of our measure would address the costs imposed on all parties by the current system. The transaction costs see the lawyers of both the plaintiff and the defendants taking in as much, or more, than the injured parties. Recent data collected by the National Machine Tool Builders Association indicates that in cases involving their members in 1989, only 17 percent of the moneys paid out went to claimants.

However, it is important to note that our legislation would not reduce the costs by restricting the rights of persons to sue for damages, or by instituting caps on the amounts that could be recovered. There were understandable objections made by the organized consumer interests to these provisions in prior efforts. Thus, this amendment may not lower insurance rates or premiums the way former bills would have.

Rather, thanks to the establishment of some uniformity on certain matters, both parties should be able to better assess the nature of their cases, and even possibly take advantage of the expedited settlements or alternative dispute resolution systems in the bill. The uniformity we seek will make the assessment of risk easier, and thus help stabilize the insurance market.

It is important to note that we have a national problem that deserves a moderate, Federal approach. Though the current rules have developed through the judicial activism of the various State courts, the time has come for Congress to recognize the burdens our current system is imposing on interstate commerce, U.S. competitiveness, and American innovation.

Let me briefly describe the major provisions of our product liability package which will reduce unnecessary legal costs, provide incentives for the manufacture of safe products, and provide more fairness to all concerned:

This measure establishes procedures designed to expedite the settlement of product liability cases. The rules are based on rule 68 of the Federal Rules of Civil Procedure. This will help reduce the burgeoning and unnecessary legal costs that hamper the current system.

We encourage the States to make greater use of alternative dispute resolution procedures, to also help reduce the legal costs.

The product seller provision also addresses the unnecessary legal costs of the system. Today, product sellers are brought into almost every case, and yet liability is imposed on them in less than 5 percent of the cases. Under our bill, sellers are only to be held liable for their own negligence, for failing to provide warnings from the manufacturer, for breaching an express warranty, or when the manufacturer is unavailable.

Legal costs are also saved by the provision dealing with the interaction between the product liability system and the workers compensation system. We have taken steps to help keep these two systems separate, and avoid the excessive and unnecessary lawsuits between manufacturers and employers.

We create incentives for safety. Our joint and several liability provision maintains joint and several liability for economic damages. We only eliminate joint and several liability for noneconomic damages such as pain and suffering. Thus, plaintiffs can recover their full economic losses from any defendant, but defendants would only be responsible for those portions of the noneconomic damages—such as pain and suffering—which they caused.

Our package also encourages safety by barring the claims of individuals who are the cause of their own injuries because they were intoxicated or under the influence of illicit drugs.

The cause of fairness is advanced by the extremely proplaintiff statute of limitations. The time begins to run upon the claimants' discovery of the harm and the cause of that harm. This is a more proplaintiff standard than most current State standards now in existence.

Fairness is also provided for in our statute of repose, which sets an outer time limit for liability at 25 years for capital goods, where the injury is covered by workers compensation.

The punitive damages provision promotes fairness. We recognize the quasi-criminal aspect of these damages, which are intended to be awarded in egregious cases, not every case. Therefore we establish a national standard for their imposition and the burden of proof required. Thus, these damages are to be awarded where the claimant establishes by "clear and convincing" evidence that the harm evidenced a "conscious, flagrant indifference to the safety of those persons who may be harmed by the product." We have a burden of proof that falls between the normal civil standard of "preponderance of the evidence" and the criminal standard of "beyond a reasonable doubt." The punitive aspect of the cases may be heard separately from the case in chief if the defendant so elects.

No one wants manufacturers to introduce unsafe products or keep them in the marketplace. However, it is equally abhorrent when the uncertainties of our product liability system were to prevent new, useful, and safer products from being brought to market. The cost to society of innovations never pursued, or improvements never made, is not obvious at first blush—but it is nevertheless a cost that hurts American consumers, manufacturers, and workers.

There has been some research indicating that perhaps the rapid expansion of product liability law, which the courts were pursuing in the past, has slowed somewhat. The courts themselves may be moving the judge-made law to a more reasonable position.

Professor Henderson, of Cornell Law School, who has been conducting this research, cautions:

> However, to conclude that this trend will resolve all of the serious inequities and legal conundrums that still exist would be a misuse of the data collected in the study. * * * The better, more efficient way to address some of the profound problems product liability law has caused our legal system and society is through thoughtful, sparing and modest legislation at the federal level. * * * [S. 640] is a worthwhile attempt at some of the needed reforms.

It is our job to make this attempt a reality by enacting S. 640 soon so that the House, with 150 cosponsors on H.R. 3030, has time to act.

Another point was made in our hearings last year—that S. 640 is neither a proplaintiff, nor a prodefendant bill. And just because it is balanced between

the rights of the parties, not favoring the plaintiffs, does not make S. 640 anticonsumer. The most anticonsumer effects which I have seen arise from the costs, inefficiencies and inequities of our present system.

The proponents of fair product liability reform recognize that this measure is not a panacea for all of the problems that have plagued our product liability system. It is, however, a sound, reasoned, and balanced piece of legislation that deserves to be enacted into law.

There are those who seem to want to impugn our motives in pursuing product liability reform. They assert that the basis for this legislation has changed over the years. In fact, what I have sought since 1981 are rules to assure product safety, to establish uniformity because of the interstate nature of the problem, and to reduce the costs borne by all Americans, not just manufacturers or sellers of products. There have been immediate concerns dealing with insurance, litigation and competitiveness—all growing out of a search for fairness.

Some witnesses before the Commerce Committee suggested that competitiveness was "the new buzzword" to justify reform. Anyone who researches or recalls the debates of some 10 years ago would also find the testimony of such parties as the American Textile Machinery Association and the National Machine Tool Builders Association concerned not only about their domestic situation, but also explaining their loss of international competitiveness as a result of American product liability laws that we have yet to reform.

We cannot have product liability insurance costs that are 20 to 50 times those of our competitors and remain viable. Product liability reform is not the only answer to our competitive predicament, but it is certainly one important element that we can address.

I am pleased that S. 640 has garnered more cosponsors than any of our previous efforts—40 at the present time—and has passed the Commerce Committee by a substantial 13-7 margin. In the last Congress, S. 1400, after one hearing in the Judiciary Committee, was returned to the Senate calendar. I believe the majority of the Senate agrees with the 40 of us who are cosponsors of S. 640 that it is time to enact this reasoned and moderate product liability reform measure. I am glad we will soon have the opportunity to vote on product liability reform.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate now go into morning business and that Senators be permitted to speak therein.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 570, Thomas P. Kerester; all nominations filed by the Foreign Relations Committee today, including Foreign Services nominations on the Secretary's desk; I further ask unanimous consent that the nominees be confirmed en bloc; that any statement appear in the RECORD as if read; that the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

SMALL BUSINESS ADMINISTRATION

Thomas P. Kerester, of Virginia, to be Chief Counsel for Advocacy, Small Business Administration, vice Frank S. Swain, resigned.

DEPARTMENT OF STATE

Roman Popadiuk, of New York, a career member of the Foreign Service, class one, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ukraine.

Sigmund A. Rogich, of Nevada, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iceland.

The following-named persons of the agencies indicated for appointment as Foreign Service Officers of the classes stated, and also for the other appointments indicated herewith:

For appointment as Foreign Service Officers of Class One, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Anne H. Aarnes, of Washington.
Curtis W. Christensen, of Maryland.
Alfred M. Clavelli, of Nevada.
Michael S. Gould, of New Jersey.
Linda Rae Gregory, of Virginia.
Robert Paul Mathia, of Florida.
Louis Mundy, III, of Florida.
Willard J. Pearson, Jr., of Indiana.
Donald L. Pressley, of Virginia.
Howard J. Sumka, of Maryland.

For reappointment in the Foreign Service as a Foreign Service Officer of Class Two, a consular Officer and a Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

William A. Eaton, of Virginia.

For appointment as Foreign Service Officers of Class Two, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Stephen K. Craven, of North Carolina.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Hilda Marie Arellano, of Texas.
Thomas C. Asmus, of Texas.
Gerald Anthony Cashion, of Virginia.
James R. Cummiskey, of Maryland.
Anthony Nicholas Deleo, of Pennsylvania.
Corwin Vane Edwards, Jr., of Maryland.
Timothy J. Franchois, of Virginia.
Rodger D. Garner, of Oregon.
H. Paul Greenough, of Virginia.
David Hunter Stockton Hoelscher, of Maryland.
James L. Jerrell, of Ohio.
Drew William Luten, III, of Missouri.
Alfred Nakatsuma-Vaca, of California.
Robert Leonard George O'Leary, of Virginia.
Sally Jo Patton, of District of Columbia.
Sanath Kumar Reddy, of Alabama.
Curtis A. Reintsma, of Virginia.
John Wayne Schamper, of Nevada.
Marilynn Ann Schmidt, of Virginia.

U.S. INFORMATION AGENCY

Larry A. Moody, of California.

For appointment as Foreign Service Officers of Class Three, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF AGRICULTURE

Leanne Hogie, of South Dakota.
Alan Hrapsky, of Michigan.
Ross Kreamer, of Kentucky.
S. Rod McSherry, of New Mexico.
Wayne Molstad, of Wisconsin.
Eugene Philhower, of New Jersey.
John B. Reynolds, of Kentucky.
Scott R. Reynolds, of Pennsylvania.
Laura Scandurra, of Virginia.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Mary Beth Allen, of Massachusetts.
Hawthorne Aida Mateo Angeles, of Virginia.
Denise A. Awad, of Pennsylvania.
Felix N. Awantang, of Maryland.
Terry G. Baskin, of Nevada.
Carol R. Becker, of California.
Dan William Blumhagen, of Washington.
Alfreda Mae Brewer, of Ohio.
Paula J. Bryan, of Pennsylvania.
Albert L. Cates, of New Mexico.
Enrique Francisco Celaya, of Florida.
Susan A. Clay, of Virginia.
Tully R. Cornick, V, of New York.
Charles J. Crane, of New Mexico.
Sharon L. Cromer, of New York.
Gerard M. Custer, of Nevada.
Kirk M. Dahlgren, of California.
Dulal C. Datta, of Texas.
Paul Davis, of New Hampshire.
Carl Brandon Derrick, of Florida.
Alexander Dickie, IV, of Texas
Brenda A. Doe, of Minnesota.
Virgulino L. Duarte, of Maine.
Jimmy D. Duvall, of Louisiana.
Patrick Chilion Fine, of New York.
Jana P. Gonson, of California.
Richard S. Greene, of California.
S. Elaine Grisgby-Arnade, of Florida.
Shankar Gupta, of Maryland.
Mathias Muza Gweshe, of Florida.
Karen Louise Ruffing Hilliard, of Florida.
Nancy L. Hoffman, of Pennsylvania
Penelope L. Hong, of Texas.
Nancy L. Hooff, of West Virginia.
Claire J. Johnson, of Florida.
Patricia L. Jordon, of Ohio.
Yashwant Kainth, of Virginia.
John L. Katt, Jr., of Florida.
Sheryl Keller, of Connecticut.
Robert Kirk, of Indiana.
S. Peter Klosky, IV, of Florida.
Barbara Jeanne Krell, of Louisiana.
Richard A. Lawrence, of Maryland.
Jon Daniel Lindborg, of Indiana.
James M. LoCaste, of Texas.
David J. Losk, of California.

Cecily L. Mango, of New Hampshire.
William B. Martin, of Florida.
Tej S. Mathur, of California.
Delbert N. McCluskey, of Oregon.
Christopher McDermott, of Maine.
Kathleen S. McDonald, of Wisconsin.
Raymond Herold Morton, of Virginia.
Randall G. Peterson, of Wisconsin.
Leonel T. Pizarro, of California.
Iqbal Qazi, of California.
Thomas Y. Quan, Jr., of Texas.
R. Thomas Ray, of New York.
Ray R. Reddy, of California.
Raymond Z.H. Renfro, of Oklahoma.
Kurt A. Rockeman, of Montana.
Denise Annette Rollins, of Michigan.
David H.A. Schroder, of Missouri.
Mary P. Selvaggio, of Illinois.
Carina L. Stover, of California.
Dawn A. Thomas, of New York.
Gary W. Vanderhoof, of California.
Dana Marie Vogel, of California.
Elzadia Washington, of Arkansas.
Leon Stephen Waskin, Jr., of Michigan.
Linda D. Whitlock, of New York.
Joseph Crawford Williams, of Tennessee.
Sarah W. Wines, of California.
Michael Louis Wise, of West Virginia.
Richard J. Womack, of Washington.
Andrea J. Yates, of Florida.

For appointment as Foreign Service Officers of Class Four, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Robert A. Armstrong, of Kansas.
Daniel P. Bellegarde, of New Hampshire.
Gregory Dean Chapman, of Georgia.
Edward John Fendley, of Illinois.
Lawrence J. Gumbiner, of California.
Russell J. Hanks, of New Mexico.
Robert F. Hannan, Jr., of Massachusetts.
Thomas J. Hushek, of Wisconsin.
Katherine Marie Ingmanson, of Washington.
Karen Elizabeth Johnson, of Texas.
James Marx Levy, of Washington.
Philip N. Lohre, of Colorado.
Martha L. Melzow, of California.
William F. Mooney, of Maryland.
R. Bruce Neuling, of California.
Lawrence Patterson Noyes, of New Jersey.
John Olson, of California.
Blossom N.S. Perry, of Virginia.
Richard G. Rosenman, of California.
Philip Nye Suter, of Massachusetts.

DEPARTMENT OF AGRICULTURE

Leslie Berger, of New Hampshire.

DEPARTMENT OF COMMERCE

Daniel Thompson, of California.

U.S. INFORMATION AGENCY

William Hinton Cook, of Tennessee.
John Andrew Cortez-Greig, of California.
Sophie L. Folly, of the District of Columbia.
Jennifer Zimdahl Galt, of Colorado.
Olivia P.L. Hilton, of New York.
Kelly Ann Keiderling, of California.
Barton William Marcois, of California.
Christopher Midura, of Tennessee.
Christopher F. Scharf, of New York.
Kennedy Lechman Veal, of Missouri.
Vivian S. Walker, of California.
Stacy E. White, of Texas.
Robert Anthony Wood, of New York.

The following-named members of the Foreign Service of the Departments of State and Commerce and the United States Information Agency to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

C. Patricia Alsup, of Florida.
Kenneth R. Anderson, of Virginia.
Sandra L. Ashby, of Virginia.
Deborah A. Baribeau, of Virginia.
Antonia Joy Barry, of Pennsylvania.
Pamela Marie Bates, of Ohio.
Robert A. Baxter, of Virginia.
Don J. Bennett, of Virginia.
Marcia Patricia Bosshardt, of Texas.
Laura A. Buckwald, of Virginia.
Deborah M. Carney, of Virginia.
Theodore E. Carrick, of Virginia.
Michael S. Catt, of Ohio.
Mark A. Caudill, of Virginia.
Mark Daniel Clark, of Arizona.
Steven Coats, of Illinois.
David C. Connell, of the District of Columbia.
Ana Corona, of Virginia.
Gina M. Corteselli, of Virginia.
Kathleen L. Cunningham, of Iowa.
Elinor Ann de Mendonca, of Virginia.
Michael DeTar, of New York.
Rodger Jan Deuerlein, of California.
Daniel A. Donze, of Arizona.
William Huie Duncan, of Maryland.
Bradley James Dunn, of Virginia.
Scott L. Eder, of Florida.
Diane M. Egan, of Virginia.
Mark Christopher Elliott, of Maryland.
Jessica Ellis, of Washington.
Kimberly K. Everett, of Virginia.
Melissa G. Ford, of California.
Thomas F. Fort, of Virginia.
Jerry J. Fotheringill, of the District of Columbia.
Eleanore M. Fox, of California.
Susan H. Frost, of North Carolina.
Gregory D. S. Fukutomi, of New York.
Sanda Hamilton Gayton, of Arizona.
Mary F. Gerard, of California.
Joanne L. Giess, of Virginia.
Rebecca Eliza Gonzales, of Texas.
Stefan Granito, of Florida.
Peter X. Harding, of Massachusetts.
Susan Hebert-Cleary, of New York.
Gary Russell Hobin, of Georgia.
Jamie P. Horsley, of California.
Randall Warren Houston, of California.
Richard W. Huckaby, of South Carolina.
Colleen Elizabeth Hyland, of New Hampshire.
Jill Johnson, of California.
Leslie A. Johnson, of Virginia.
Margaret F. Judy, of Maryland.
Timothy B. Kane, of Virginia.
Diane M. Kauffmann, of Virginia.
Colleen M. Keeley, of Virginia.
Lisa C. Kennedy, of California.
Gregory S. Keough, of Maryland.
Eric R. Kettner, of Wisconsin.
Allen H. Kupetz, of Texas.
Frederick B. Kurtz, of New Jersey.
Randall J. LaBounty, of Missouri.
Brian Lieke, of Texas.
Nicole Lise, of New York.
Caroline B. Mangelsdorf, of California.
David H. Martinez, of Virginia.
James M. McCarthy, of Maryland.
Brian F. McCauley, of Virginia.
Fred C. McKinney, of Virginia.
Kathleen M. McQuaid, of Virginia.
David Slayton Meale, of Virginia.
Reginald A. Miller, of California.
Steven H. Miller, of Maryland.
Thomas E. Moore, of Texas.
Robert M. Murphy, of Washington.
Donald E. Muth, of Virginia.
Rosaleen A. O'Toole, of Virginia.
James M. Perez, of Florida.
Peter G. Piness, of Virginia.
Mira Piplani, of Virginia.
Sara Ellen Potter, of Virginia.
Emilia A. Puma, of Pennsylvania.
James E. Reese, of Virginia.
Richard T. Reiter, of California.
John D. Rubio, of Puerto Rico.
Susan Laura Ruffo, of Washington.
Julie Ann Ruterbories, of the District of Columbia.
Heidi Anne Scharadin, of Indiana.
Albert C. Schultz, of Indiana.
Millicent H. Schwenk, of Virginia.
Larry G. Seals, of Virginia.
Kent C. Shigetomi, of Washington.
Lillian A. Steele, of California.
Gregory D. Stolp, of Virginia.
Margaret L. Tams, of Colorado.
Lisa L. Tepper, of California.
Kenneth A. Thomas, of Oregon.
Katherine Van de Vate, of New Jersey.
Robert C. Ward, of Virginia.
Melissa A. Welch, of Virginia.
Jennifer K. Weston, of Virginia.
Wendy Fleming Wheeler, of Washington.
Lynn Marie Whitlock, of Pennsylvania.
Jock Whittlesey, of Florida.
Karen L. Williams, of Missouri.

The following-named person of the Department of State, previously appointed as Foreign Service Officer of Class Four, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America May 15, 1989, now to be effective April 28, 1988.

Daniel Richard Russel, of California.

STATEMENT ON THE NOMINATION OF SIGMUND A. ROGICH TO BE AMBASSADOR TO THE REPUBLIC OF ICELAND

Mr. REID. Mr. President, today we are considering the nomination of Sigmund A. Rogich to be Ambassador to the Republic of Iceland. Sig has been a friend of mine for many years. Though born in Iceland, we in Nevada consider him a native Nevadan.

He is currently Assistant to the President for Public Events and Initiatives. Previously, he served the State of Nevada as State Athletic Commissioner and as a member of the University of Nevada Board of Regents and owned his own advertising and marketing agency. Nevada is proud of his accomplishments.

I think I speak for all Nevadans when I say that we will be proud to see Sig become Ambassador to Iceland. We are confident he will well represent the interests of the United States.

On behalf of all Nevadans, I want to congratulate Sig on his latest accomplishment.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

FOOD FOR PEACE FOR NEPAL

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4774, Food for Peace for Nepal, just received from the House, that the bill be deemed read three times, passed and the motion to reconsider be laid upon the table.

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

The bill (H.R. 4774) was deemed read three times and passed.

THE 50TH ANNIVERSARY OF WORLD WAR II WEEK

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 371, designating a "Week for the National Observance of the 50th Anniversary of World War II," just received from the House, that the joint resolution be deemed read three times, passed, and the motion to reconsider laid upon the table, and the preamble agreed to.

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

Mr. DOLE. Mr. President, I and my distinguished cosponsors of Senate Joint Resolution 269, fully support the passing of the House companion measure House Joint Resolution 371, now before the Senate. This resolution will commemorate the week of May 31 through June 6, 1992, as the National Observance of the 50th Anniversary of World War II. I ask that the cosponsors to the Senate resolution be printed in the RECORD.

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

(See exhibit 1.)

Mr. DOLE. The incredible change that the world has recently witnessed makes this week of honor an especially appropriate event. Through their bravery, sacrifice, and productivity, the men and women of this pivotal time in our Nation's history laid the foundations for the rise of democracy unfolding in Europe today.

Mr. President, on December 7, 1941, our Nation was forced—untried and unprepared—into a war that had been raging for over 2 years. But with the entry of the United States into the war, the fate of those who had ignited the most destructive war in history was sealed.

With America's entry into the war, the American people were galvanized into action that would change the world. American victories on the battlefield were supported by the efforts of the American farmer and worker. The United States became the most productive Nation in industrial history, and American farmers produced enough food to feed the world.

But American industrial might produced more than weapons. American science and technology gave the world new products and techniques that would forever change the fields of electronics, health care, and manufacturing.

World War II was a time of great transition for the United States. Internationally—we became a superpower. Domestically—the war brought vast population shifts from the rural communities to create giant urban centers, and women took on new challenges in the workplace which would forever redefine their roles in society.

The week of May 31 to June 6 is especially significant to our Nation. During this first week of June in 1942 our naval forces dealt a devastating blow to the Japanese Navy at Midway. During this week in 1944, Americans liberated Rome from the fascists and stormed the beaches of Normandy to liberate Europe from the Nazis.

Mr. President, it is appropriate that we honor the men and women of our Nation who gave their all so that others could live in freedom. I, therefore, ask that the Senate pass House Resolution 371 to authorize the President of the United States to issue a proclamation establishing the week of May 31 to June 6, 1992, as the week of the National Observance of the 50th Anniversary of World War II.

EXHIBIT 1

COSPONSORS OF S.J. RES. 269

Mr. Adams, Bond, Boren, Bradley, Bryan, Bumpers, Burdick, Burns, Chafee, Coats, Cochran, Conrad, D'Amato, Danforth, DeConcini, Dixon, Dodd, Domenici, Garn, Gore, Grassley, Hatch, Hatfield, Heflin, Hollings, Inouye, Mrs. Kassebaum, Levin, Lieberman, Lugar, Mack, McCain, Murkowski, Packwood, Pell, Pressler, Reid, Roth, Sanford, Sasser, Seymour, Shelby, Simon, Simpson, Specter, Stevens, Symms, Thurmond, Wallop, Warner, Wofford.

The joint resolution (H.J. Res. 371) was deemed read the third time and passed.

The preamble was agreed to.

NEUROFIBROMATOSIS AWARENESS MONTH

Mr. FORD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 268, designating "Neurofibromatosis Awareness Month"; and that the Senate then proceed to its immediate consideration, that the joint resolution be deemed read three times, passed, and the motion to reconsider laid upon the table; and the preamble agreed to.

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

The joint resolution (S.J. Res. 268) 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. 268

Whereas neurofibromatosis is a genetic disorder that causes tumors to grow in the human nervous system;

Whereas neurofibromatosis is the most common turmor-causing genetic disorder of the nervous system;

Whereas neurofibromatosis leads to disfigurement, blindness, deafness, loss of limbs, scoliosis and brain and spinal tumors;

Whereas neurofibromatosis is a potentially debilitating disorder that strikes males and females of all races and ethnic groups;

Whereas an animal model for NF1 has recently been found;

Whereas a candidate gene for NF2 has also been discovered;

Whereas because the incidence of learning disabilities in the population of individuals suffering from neurofibromatosis is five times greater than in the general population, progress in neurofibromatosis research is important to achieving a better understanding of the causes of learning disabilities, which affect more than thirty million Americans; and

Whereas the National Neurofibromatosis Foundation, Incorporated, a voluntary health organization with chapters across the United States, was established to serve individuals with neurofibromatosis and their families, to promote and support biomedical research on neurofibromatosis, and to increase public awareness of neurofibromatosis and its consequences: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1992 is designated as "Neurofibromatosis Awareness Month". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe the month with appropriate ceremonies and activities.

FARM CREDIT SYSTEM FINANCIAL SAFETY AND SOUNDNESS ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 224, S. 1709, the Farm Credit System Financial Safety and Soundness Act.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1709) to amend the Farm Credit Act of 1971 to enhance the financial safety and soundness of the Farm Credit System, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1800

(Purpose: To strike title III and to improve the Farm Credit System)

Mr. FORD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. LEAHY, proposes an amendment numbered 1800.

Mr. FORD. 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:

On page 2, strike the items relating to titles III, IV, and V and insert the following:

TITLE III—REPAYMENT OF FARM CREDIT SYSTEM DEBT OBLIGATIONS

Sec. 301. Capital preservation.
Sec. 302. Unallocated surplus accounts for preferred stock.

Sec. 303. System-wide repayment obligation.
Sec. 304. Repayment of Treasury-paid interest.
Sec. 305. Clarification of obligation.
Sec. 306. Defaults.
Sec. 307. Authority of Financial Assistance Corporation.
Sec. 308. Conforming amendments.
TITLE IV—MISCELLANEOUS
Sec. 401. Valuation reserves for production credit associations.
Sec. 402. Risk management participation authority.
Sec. 403. Technical amendment.
Sec. 404. Installation, expansion, or improvement of water and waste disposal facilities.
Sec. 405. Eligibility to borrow from a bank for cooperatives.
Sec. 406. Non-voting representative on board of Funding Corporation.
Sec. 407. Sectional representation on System boards of directors.
Sec. 408. Compensation of bank directors.
Sec. 409. Powers of Farm Credit Administration.

On page 11, line 14, strike "Subsection (a) of section" and insert "Section".

Beginning on page 22, strike line 1 and all that follows through page 43, line 23.

On page 44, line 1, strike "IV" and insert "III".

On page 44, line 4, strike "401" and insert "301".

On page 47, line 6, strike "1991" and insert "1992".

On page 49, line 6, strike "402" and insert "302".

On page 52, line 9, strike "403" and insert "303".

On page 52, line 11, strike "402(a)(1)" and insert "302(a)(1)".

On page 57, line 4, strike "404" and insert "304".

On page 62, line 16, strike "405" and insert "305".

On page 64, line 17, strike "406" and insert "306".

On page 67, line 22, strike "407" and insert "307".

On page 68, line 12, strike "408" and insert "308".

On page 68, line 17, strike "V" and insert "IV".

On page 68, line 18, strike "501" and insert "401".

On page 69, line 10, strike "502" and insert "402".

On page 71, line 14, strike "503" and insert "403".

On page 71, between lines 18 and 19, insert the following new sections:

SEC. 404. INSTALLATION, EXPANSION, OR IMPROVEMENT OF WATER AND WASTE DISPOSAL FACILITIES.

The first sentence of section 3.7(f) (12 U.S.C. 2128(f)) is amended to read as follows: "The banks for cooperatives may make and participate in loans and commitments and extend other technical and financial assistance to—

"(1) cooperatives formed specifically for the purpose of establishing or operating water or waste disposal facilities in rural areas; and

"(2) public and quasi-public agencies and bodies, and other public and private entities that, under authority of State or local law, establish or operate water or waste disposal facilities in rural areas.".

SEC. 405. ELIGIBILITY TO BORROW FROM A BANK FOR COOPERATIVES.

Section 3.8 (12 U.S.C. 2129) is amended by adding at the end the following new subparagraph:

"(E) Any creditworthy private entity that satisfies the requirements for a service cooperative under paragraphs (1), (2), and (4) of subsection (a) and subsidiaries of the entity, if the entity is organized to benefit agriculture in furtherance of the welfare of its farmer-members and is operated on a not-for-profit basis.".

SEC. 406. NON-VOTING REPRESENTATIVE ON BOARD OF FUNDING CORPORATION.

Paragraph (2) of section 4.9(d) (12 U.S.C. 2160(d)(2)) is amended to read as follows:

"(2) NON-VOTING REPRESENTATIVES.—

"(A) ASSISTANCE BOARD.—During the period in which the Assistance Board is in existence, the board of directors of the Assistance Board shall designate one of its directors to serve as a non-voting representative to the board of directors of the Corporation.

"(B) MEETINGS.—The person designated by the Assistance Board under subparagraph (A) may attend and participate in all deliberations of the board of directors of the Corporation.

"(C) TERMINATION OF ASSISTANCE BOARD.—After termination of the Assistance Board, neither the Assistance Board nor its successor, the Farm Credit System Insurance Corporation, shall have any representation on the board of directors of the Corporation.".

On page 71, line 19, strike "504" and insert "407".

On page 72, after line 25, add the following new sections:

SEC. 408. COMPENSATION OF BANK DIRECTORS.

Section 4.21 (12 U.S.C. 2209) is amended to read as follows:

"SEC. 4.21. COMPENSATION OF BANK DIRECTORS.

"The Farm Credit Administration shall monitor the compensation of members of the board of directors of a System bank received as compensation for serving as a director of the bank to ensure that the amount of the compensation does not adversely affect the safety and soundness of the bank.".

SEC. 409. POWERS OF FARM CREDIT ADMINISTRATION.

Subsection (b) of section 5.17 (12 U.S.C. 2252(b)) is amended to read as follows:

"(b) The Farm Credit Administration shall not have authority, either directly or indirectly—

"(1) to approve bylaws, or any amendments, modifications, or changes to bylaws, of System institutions; or

"(2) to approve the salary scale, compensation, or benefit or retirement plans for employees of System institutions.".

Mr. LEAHY. Mr. President, I rise today to support S. 1709, the Farm Credit System Financial Safety and Soundness Act of 1991 and the manager's amendment. This bill culminates over a 2-year effort by the Committee on Agriculture, Nutrition and Forestry, the Department of the Treasury, the General Accounting Office, and the Congressional Budget Office. The bill responds to the concerns raised in FIRREA and OBRA of 1990 about the potential risk to the Federal Government posed by Government-sponsored enterprises [GSE's]. GSE's are federally chartered financial institutions established to achieve a public purpose. The Committee on Agriculture, Nutrition and Forestry has jurisdiction over three GSE's which provide reliable credit to our Nation's farmers and ranchers. They are the Farm Credit Banks, the Banks for Cooperatives, and the Federal Agricultural Mortgage Corporation.

The increased scrutiny of GSE's stems from the realization of the extent and amount of the liability incurred from the savings and loan bailout. Over the next 30 years the looting of the savings and loan system will cost taxpayers up to $500 billion.

While Treasury, GAO, and CBO report that none of the GSE's pose any immediate risk to the Government, it would prove costly and difficult to wait to take action until a financial disaster has already taken place. The sheer size of all these GSE's—representing almost $1 trillion in exposure—compels Congress to act before problems arise. We cannot afford another financial bailout. The only reasonable protection, other than abolishing the GSE's altogether and disregarding the public purposes they serve, is the implementation of policies which prevent financial problems. Congress must also provide safeguards in the event that a financial crisis does occur so that taxpayer dollars will not be needed.

I welcomed the opportunity to review and address concerns about GSE's. This was not a novel idea for this committee. One of the first initiatives that I pushed as the chairman of the committee in 1987 was the passage of the Agricultural Credit Act of 1987. This legislation put in place many reforms designed to put the Farm Credit System back on sound footing, create a secondary market entity to help lower credit costs to farmers, and establish the Farm Credit Administration [FCA] as an arms-length regulator. I think this committee should feel particularly proud of our efforts in 1987 to respond to the Farm Credit System emergency.

The reforms of 1987 laid the groundwork for our efforts today. In a report to the Administrative Conference of the United States, the farm credit reforms of 1987 are given as the one example where Congress showed it had learned the awful lessons of the S&L regulatory failures. The report pointed to strengthened FCA's regulatory authorities—to issue cease and desist orders, to remove FCS officers, to impose civil money penalties, and to appoint conservators. The 1987 act also required that the system fund its own insurance system as an added safeguard and it required the system regulator to set capital reserve standards to protect individual institutions.

A Washington Post article summed it up best. The 1987 Agricultural Credit Act's "sweeping changes" were designed to prevent future problems and "mend" the System without burdening taxpayers.

The legislation before us today expands on some of the reforms in the 1987 act and adds additional protections concerning the safety and soundness of the Farm Credit System. It also establishes a workable means for the

System to pay back the assistance it received under the 1987 act and the interest that the Treasury Department paid. The S&L bailout will cost taxpayers up to $500 billion—that money is gone. The FCS assistance package—$1.3 billion—will be paid back, with interest, by the Farm Credit System.

The members of this committee, especially Senator RICHARD LUGAR, who played a major role in the 1987 reform effort, deserve credit for a job well done. Senator KENT CONRAD, now chairman of the Subcommittee on Credit, worked diligently on this legislation and on the reforms in 1987. I also appreciate the efforts of Senator GRASSLEY, the ranking member on the Credit Subcommittee.

It is the responsibility of this committee to ensure that the mission of the FCS is carried out while protecting the taxpayers' interest and recognizing the special risks inherent in agricultural lending. In 1987 we gave the FCA and the Farm Credit System the tools to better manage that risk. This bill improves those tools. I urge my colleagues to support this bill.

Mr. FORD. Mr. President, I ask unanimous consent that a letter from Senator FOWLER and others to Chairman LEAHY regarding S. 1709 be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, April 30, 1992.

Hon. PATRICK J. LEAHY,
Chairman, Senate Committee on Agriculture, Nutrition, and Forestry, Washington, DC.

DEAR MR. CHAIRMAN: We are concerned with a provision in the Committee's GSE legislation relating to the Federal Farm Credit Banks Funding Corporation. The provision (Section 101) would significantly enhance the authority of the Funding Corporation by enabling it to promulgate risk management and performance standards for the Farm Credit System banks and associations, and impose penalties to encourage compliance. The provision effectively confers considerable regulatory authority upon the Funding Corporation, a non-government institution. This expansion of Funding Corporation authority would occur if System institutions fail to enter into an interbank agreement to establish, monitor and enforce such standards by a statutory deadline.

It is our understanding that System banks have signed an interbank agreement. Thus, there is at this time questionable necessity in mandating a statutory deadline, and the attendant expansion of the funding corporation authority in the event banks fail to meet it. Due to the possible far-reaching implications of Section 101 and the precedence it sets, we have considerable concerns and believe the language should be removed.

There is no doubt that establishment of acceptable risk management standards and their effective enforcement can enhance the safety and soundness of the Farm Credit System. However, System banks appear to have established a mechanism for policing risk management, and recognize that doing so is in their collective best interests.

We urge you to move Section 101 and its unnecessary legislative mandated deadline.

Sincerely,

Wyche Fowler, Jr., Mitch McConnell, Jesse Helms, Conrad Burns, Phil Gramm, John Breaux, Howell Heflin, Richard Shelby, Fritz Hollings, J. Bennett Johnston, Sam Nunn, Lloyd Bentsen.

Mr. LUGAR. Mr. President, today the Senate considers S. 1709, the Farm Credit System Financial Safety and Soundness Act of 1991. This bill is the result of actions set in motion by the 1990 Omnibus Budget Reconciliation Act, or OBRA.

OBRA required the U.S. Department of Treasury and the Congressional Budget Office to review the various Government-sponsored enterprises [GSE's] and make recommendations designed to further protect the taxpayer resources underpinning those enterprises. Mr. President, the Farm Credit System and the reforms undertaken by this body in 1987, received a solid endorsement in those reports. The Treasury Department in its report stated that the Farm Credit Administration, "has all of the necessary regulatory authorities and the stature to be an effective financial safety and soundness regulator of the Farm Credit System."

Today's action is important for a couple of reasons. In the first place, the bill reiterates the commitment the Senate has to ensuring the financial safety and soundness of the Farm Credit System. S. 1709 is a fine tuning of provisions that were carefully crafted in 1987 when the landmark Agricultural Credit Act was fashioned.

Second, contained in the legislation are provisions that demonstrate, without question, the willingness of the Farm Credit System to repay, in a timely and orderly fashion, the Federal assistance authorized in the 1987 act. I commend the farmer members and the management of the Farm Credit System for that far-reaching view and remind Senators that it is rather unique that entities that receive Federal assistance willingly meet their obligations.

As the Members of this body undoubtedly know, the Farm Credit System has made a dramatic turnaround in profitability since the 1987 act. Income is up and the level of nonaccruing loans is dropping in virtually every farm credit district. The System is slowly building up the level of its insurance fund. As a member of the Agriculture Committee, I am extremely proud of the positive results of the 1987 bill. Today's action simply is a continuation of our concern and stewardship toward the Farm Credit System.

Given the positive environment currently in agricultural lending, it is appropriate and timely to propose legislation that encourages a continuation into the future of the improved lending and management practices adopted by the System following the 1987 bill. I believe that this legislation accomplishes that objective.

I thank the chairman of the Agriculture Committee and the other members of the Agriculture Committee for their efforts on this bill.

Mr. President, I urge all Senators to support this measure.

The PRESIDING OFFICER. If there is no further debate on the amendment, the amendment is deemed agreed to and the bill is deemed as having been read the third time and is passed.

The amendment (No. 1800) was agreed to.

The bill (S. 1709), as amended, was deemed read the third time and passed, as follows:

S. 1709

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Farm Credit System Financial Safety and Soundness Act of 1992".

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

Sec. 1. Short title; table of contents.
Sec. 2. References to the Farm Credit Act of 1971.

TITLE I—IMPROVEMENTS TO FARM CREDIT SYSTEM SAFETY AND SOUNDNESS

Sec. 101. Cooperative risk management and performance standards.
Sec. 102. Access to association capital.
Sec. 103. Qualifications of FCA board members.
Sec. 104. Chief executive officer of FCA board.
Sec. 105. Farm Credit System Insurance Corporation.

TITLE II—FARM CREDIT SYSTEM INSURANCE CORPORATION

Sec. 201. GAO reports on risk-based insurance premiums, access to association capital, supplemental premiums, and consolidation.
Sec. 202. Statutory successor to Assistance Board agreements.

TITLE III—REPAYMENT OF FARM CREDIT SYSTEM DEBT OBLIGATIONS

Sec. 301. Capital preservation.
Sec. 302. Unallocated surplus accounts for preferred stock.
Sec. 303. System-wide repayment obligation.
Sec. 304. Repayment of Treasury-paid interest.
Sec. 305. Clarification of obligation.
Sec. 306. Defaults.
Sec. 307. Authority of Financial Assistance Corporation.
Sec. 308. Conforming amendments.

TITLE IV—MISCELLANEOUS

Sec. 401. Valuation reserves for production credit associations.
Sec. 402. Risk management participation authority.
Sec. 403. Technical amendment.
Sec. 404. Installation, expansion, or improvement of water and waste disposal facilities.
Sec. 405. Eligibility to borrow from a bank for cooperatives.
Sec. 406. Non-voting representative on board of Funding Corporation.

Sec. 407. Sectional representation on System boards of directors.
Sec. 408. Compensation of bank directors.
Sec. 409. Powers of Farm Credit Administration.

SEC. 2. REFERENCES TO THE FARM CREDIT ACT OF 1971.

Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), except to the extent otherwise specifically provided.

TITLE I—IMPROVEMENTS TO FARM CREDIT SYSTEM SAFETY AND SOUNDNESS

SEC. 101. COOPERATIVE RISK MANAGEMENT AND PERFORMANCE STANDARDS.

(a) IN GENERAL.—Title IV (12 U.S.C. 2151 et seq.) is amended by adding at the end the following new section:

"SEC. 4.40. LENDING AND RISK MANAGEMENT STANDARDS.

"(a) COOPERATIVE INTERBANK AGREEMENT.—Each of the banks of the System shall enter into a cooperative interbank agreement (hereafter in this section referred to as the 'Interbank Agreement'), with all the other banks of the System, that establishes for the banks, consistent with the policy and objectives of the System as contained in section 1.1—

"(1) risk management and performance standards;

"(2) an effective means of monitoring compliance with the standards;

"(3) an effective means of establishing and imposing incentives to ensure compliance with the standards; and

"(4) a means to adopt subsequent amendments to the Interbank Agreement.

"(b) NO REDUCTION OF OTHER AUTHORITY.—The Interbank Agreement or any incentive imposed under such Agreement shall not—

"(1) diminish any rulemaking, examination, enforcement, or any other statutory authority of the Farm Credit Administration; or

"(2) diminish the authority of the Funding Corporation as set forth in section 4.9(b).

"(c) FARM CREDIT ADMINISTRATION REVIEW.—After all of the banks of the System have entered into the Interbank Agreement, the Farm Credit Administration shall—

"(1) monitor the implementation of the Interbank Agreement, and amendments to the Agreement; and

"(2) report to Congress, whenever it determines that a standard or incentive may pose a safety and soundness concern.

"(d) AUTHORITY OF FUNDING CORPORATION IF BANKS FAIL TO REACH AGREEMENT.—

"(1) IN GENERAL.—If the banks of the System fail to enter into an Interbank Agreement in accordance with this section within 180 days after the date of enactment of this section, or thereafter terminate the Agreement, the Federal Farm Credit Banks Funding Corporation established under section 4.9 (hereafter in this section referred to as the 'Corporation') shall have the authority, in connection with its authority to determine conditions of participation pursuant to section 4.9(b)(2), to—

"(A) gather information;

"(B) establish risk management and performance standards acceptable to the Farm Credit Administration for System banks and their related associations;

"(C) monitor the risk management and performance of System banks and their related associations and compliance with the standards; and

"(D) establish and impose incentives acceptable to the Farm Credit Administration to encourage compliance by System banks and their related associations with risk management and performance standards established by the Corporation.

"(2) TYPES OF INCENTIVES.—The incentives established and imposed pursuant to this subsection may include—

"(A) differential pricing of joint, consolidated, or System-wide obligations to the individual banks of the System;

"(B) the imposition on premiums or penalties on banks that fail to meet established risk management and performance standards; or

"(C) such other incentives as may be determined appropriate by the Board of Directors of the Corporation.

"(3) USE OF INCENTIVES TO PAY TREASURY.—The Corporation shall pay all funds derived from incentives imposed under this subsection to the Farm Credit System Financial Assistance Corporation for the repayment of interest paid by the Secretary of the Treasury under section 6.26(c)(5).

"(4) USE OF INCENTIVES TO FUND THE INSURANCE FUND.—

"(A) IN GENERAL.—After the obligations to the Secretary of the Treasury referred to in paragraph (3) are satisfied, all remaining funds derived from incentives imposed under this subsection shall be paid into the Farm Credit Insurance Fund established under section 5.60.

"(B) NOT SECURE BASE AMOUNT.—Funds paid into the Insurance Fund under subparagraph (A) (including any earnings on the funds) shall not be counted toward the secure base amount (as defined in section 5.55(c)).

"(5) APPROVALS REQUIRED FOR IMPOSITION OF ECONOMIC INCENTIVES.—

"(A) IN GENERAL.—No incentive shall be imposed on any System bank or association under this subsection without the approval of—

"(i) the Board of Directors of the Corporation;

"(ii) the Farm Credit Administration; and

"(iii) the Farm Credit System Assistance Board or the Farm Credit System Insurance Corporation, if the bank has received assistance from such Board or Corporation, as the case may be.

"(B) CONFLICTS OF INTEREST.—A member of the Board of Directors of the Corporation, who is also a chief executive officer, president, director, or former director, of the bank that would be subject to the imposition of the proposed incentive, shall recuse himself or herself from voting regarding the imposition of an incentive by the Board of Directors of the Corporation.

"(C) FINANCIAL CONDITION OF BANKS.—The Farm Credit Administration and the Farm Credit System Insurance Corporation may disapprove the imposition of an incentive on a System bank or association if either determines that the imposition of the incentive would significantly weaken the financial condition of any such System bank or association.".

(b) COMPOSITION OF BOARD OF DIRECTORS OF FUNDING CORPORATION.—

(1) IN GENERAL.—Section 4.9(d)(1) (12 U.S.C. 2160(d)(1)) is amended—

(A) by striking "nine voting members" and all that follows through the end of subparagraph (B) and inserting "one voting representative from each bank of the System, two voting members appointed by the bank representatives, and one nonvoting member as follows:

"(A) At least two-thirds of the voting representatives from banks of the System shall be current or former directors of the System banks elected by the shareholders of the Corporation. The remaining voting representatives from banks of the System shall be chief executive officers or presidents of System banks elected by shareholders of the Corporation.";

(B) in subparagraph (C), by striking "and (B)"; and

(C) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(2) CONTINGENT EFFECTIVE DATE.—The amendment made by paragraph (1) shall become effective only if, and when, the Federal Farm Credit Banks Funding Corporation is granted additional authority under 4.40(d) of the Farm Credit Act of 1971 (as added by subsection (a) of this section).

SEC. 102. ACCESS TO ASSOCIATION CAPITAL.

(a) CONTRIBUTIONS TO CAPITAL.—Section 5.61(a)(2) (12 U.S.C. 2277a-10(a)(2)) is amended by adding at the end the following new subparagraph:

"(C) CONTRIBUTIONS TO CAPITAL.—

"(i) IN GENERAL.—If the amount in the Insurance Fund falls below 80 percent of the secure base amount (or falls below 80 percent of the prior year end balance until the secure base amount is reached), and a bank to which assistance has been provided by the Corporation under paragraph (1) or subparagraph (A) subsequently fails to meet its minimum level of capital established by the Farm Credit Administration under section 4.3, the Corporation may, in its sole discretion, require related associations of each such bank to subscribe to an amount of additional stock in the bank that is sufficient to enable the bank to meet the minimum level of capital established under section 4.3.

"(ii) LIMITATION.—An additional amount of stock shall not be required under clause (i) to the extent that subscribing to the additional stock would cause the capital of an association to fall below 120 percent of its minimum level established under section 4.3.".

(b) DEFINITION OF PERMANENT CAPITAL.—Paragraph (1) of section 4.3A(a) (12 U.S.C. 2154a(a)(1)) is amended to read as follows:

"(1) PERMANENT CAPITAL.—The term 'permanent capital' means—

"(A) current year retained earnings;

"(B) allocated and unallocated earnings (which, in the case of earnings allocated in any form by a System bank to any association or other recipient and retained by the bank, shall be considered, in whole or in part, permanent capital of the bank or of any such association or other recipient as provided under an agreement between the bank and each such association or other recipient);

"(C) all surplus (less allowances for losses);

"(D) stock issued by a System institution, except—

"(i) stock that may be retired by the holder of the stock on repayment of the holder's loan, or otherwise at the option or request of the holder; or

"(ii) stock that is protected under section 4.9A or is otherwise not at risk; and

"(E) any other debt or equity instruments or other accounts that the Farm Credit Administration determines appropriate to be considered permanent capital.".

SEC. 103. QUALIFICATIONS OF FCA BOARD MEMBERS.

Section 5.8 (12 U.S.C. 2242) is amended by adding at the end the following new subsection:

"(e) The members of the Board shall—

"(1) be experienced or knowledgeable in agricultural economics and financial reporting and disclosure;

"(2) experienced or knowledgeable in the regulation of financial entities; or

"(3) have a strong financial, legal, or regulatory background.".

SEC. 104. CHIEF EXECUTIVE OFFICER OF FCA BOARD.

(a) DUTIES OF CHAIRMAN AND CEO.—

(1) POWERS OF FCA BOARD.—Section 5.9 (12 U.S.C. 2243) is amended—

(A) by striking "The Board" and inserting "(a) The Board"; and

(B) by adding at the end the following new subsection:

"(b) The Board is authorized to delegate any of its powers, except rulemaking, to a panel of the Board, an individual Board member, or to the Chief Executive Officer. Any authority delegated to the Chief Executive Officer may, with approval of the Board, be redelegated to officers or employees of the Farm Credit Administration.".

(2) RESPONSIBILITIES.—Section 5.10 (12 U.S.C. 2244) is amended—

(A) in the section heading, by inserting "CHIEF EXECUTIVE OFFICER AND" before "CHAIRMAN";

(B) in subsection (a), by striking paragraphs (1) and (2) and inserting the following new paragraphs:

"(1) A Chief Executive Officer shall be selected by the Board and shall serve at the pleasure of the Board. The Chief Executive Officer shall possess a strong financial, legal, or regulatory background and have previous management experience or strong management abilities.

"(2) The Chief Executive Officer shall be responsible for directing the implementation of policies and regulations adopted by the Board and the execution of the administrative functions and duties of the Farm Credit Administration.";

(C) in subsections (b) and (c), by striking "Chairman of the Board" each place it appears and inserting "Chief Executive Officer"; and

(D) in subsection (c), by striking "Chairman" each place it appears and inserting "Chief Executive Officer".

(3) ORGANIZATION OF FCA.—Section 5.11 (12 U.S.C. 2245) is amended—

(A) in subsection (a)—

(i) by striking "Chairman of the Farm Credit Administration Board" and inserting "Chief Executive Officer"; and

(ii) by striking "Chairman" and inserting "Chief Executive Officer";

(B) in subsection (b)—

(i) by striking "Chairman of the Board" and inserting "Chief Executive Officer, with approval of the Board,";

(ii) by striking "Chairman" and inserting "Chief Executive Officer"; and

(iii) by striking "under the Board" and inserting "of the Farm Credit Administration";

(C) in subsection (c)(2)(A)—

(i) in the first sentence, by striking "The" and inserting "Except as otherwise provided in section 8.11(a)(2), the";

(ii) by striking "Chairman" each place it appears (other than the last place it appears) and inserting "Chief Executive Officer, with approval of the Board,"; and

(iii) by striking "Chairman" the last place it appears and inserting "Chief Executive Officer"; and

(D) in subsection (c)(3)—

(i) by striking "Chairman as chief executive officer" and inserting "Chief Executive Officer";

(ii) by striking "Chairman" the second and third places it appears and inserting "Chief Executive Officer"; and

(iii) by striking ", except" and all that follows through "Board approval".

(4) ADVISORY COMMITTEES.—Section 5.12 (12 U.S.C. 2246) is amended—

(A) by striking "Chairman of the Board" and inserting "Chief Executive Officer"; and

(B) by striking "and may" and all that follows through "of 1985".

SEC. 105. FARM CREDIT SYSTEM INSURANCE CORPORATION.

(a) CHIEF EXECUTIVE OFFICER.—Section 5.53 (12 U.S.C. 2277a-2) is amended—

(1) in subsection (a), by inserting before the period at the end the following: ", a Governor of the Federal Reserve who is skilled in agricultural economics, and the Vice Chairman of the Federal Deposit Insurance Corporation"; and

(2) by adding at the end the following new subsection:

"(c) POWERS OF THE BOARD.—The Board shall establish policies for the Farm Credit System Insurance Corporation. The Board shall—

"(1) provide for the performance of all the powers and duties vested in the Corporation, and

"(2) shall select and hire a Chief Executive Officer.".

(b) CHIEF EXECUTIVE OFFICER.—The Act is amended by inserting after section 5.53 (12 U.S.C. 2277a-2) the following new section:

"SEC. 5.53A. CHIEF EXECUTIVE OFFICER.

"(a) IN GENERAL.—The Chief Executive Officer of the Corporation shall serve at the pleasure of the Board and shall be charged with carrying out the general policies adopted by the Board.

"(b) RESPONSIBILITIES.—The Chief Executive Officer shall be responsible for directing the implementation of policies and regulations adopted by the Board and the execution of the daily administrative functions and duties of the Corporation.

"(c) QUALIFICATIONS.—The Chief Executive Officer shall possess a strong financial, legal or regulatory background and have previous management experience or strong management abilities.".

(c) USE OF FCA PERSONNEL.—Section 5.59 (12 U.S.C. 2277a-8) is amended by adding at the end the following new paragraph:

"(5) USE OF FCA PERSONNEL.—To the extent practicable, the Corporation shall use the personnel and resources of the Farm Credit Administration to minimize duplication of effort and to reduce costs.".

TITLE II—FARM CREDIT SYSTEM INSURANCE CORPORATION

SEC. 201. GAO REPORTS ON RISK-BASED INSURANCE PREMIUMS, ACCESS TO ASSOCIATION CAPITAL, SUPPLEMENTAL PREMIUMS, AND CONSOLIDATION.

(a) IN GENERAL.—The Comptroller General of the United States shall investigate, review, and evaluate the feasibility and appropriateness, and report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, on the advantages and disadvantages of providing the Farm Credit System Insurance Corporation with—

(1) the authority to directly or indirectly assess associations to ensure that all System capital is available to prevent losses to investors, including a study of—

(A) the effects of direct assessments by the Insurance Corporation on associations, including interest rate charges to borrowers;

(B) the effects of requiring that banks pass along the cost of insurance premiums to owner associations and other financing institutions having a discount relationship with the bank;

(C) the effects of requiring owner associations to purchase stock in the district bank, if needed, to prevent a bank from having to return to the Insurance Corporation for financial assistance once the assistance has been given;

(D) the effects of the purchase of stock from funds of the association (through funds obtained from other than the district bank) or allowing the bank to increase the direct line of credit to the associations in order to fund the purchase; and

(E) the effect that authorizing the Insurance Corporation to assess associations could have on the association's incentives for building capital;

(2) the authority to collect supplemental insurance premiums under certain circumstances, including a study of—

(A) the possibility of the Insurance Fund being depleted more rapidly than it could be replenished under the current premium structure;

(B) the effects of the depletion under alternate economic scenarios and the probability of the occurrence of each of those scenarios;

(C) the effects on capital accumulation and interest rates, of levying a supplemental premium; and

(D) limitations on any authority to levy supplemental premiums and the underlying basis for the limitations; and

(3) the authority to establish an insurance premium rate structure that would take into account, on an institution-by-institution basis, asset quality risk, interest rate risk, earnings, and capital.

(b) REPORT ON CONSOLIDATION.—

(1) IN GENERAL.—The Comptroller General of the United States shall evaluate and report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on whether there are likely to be benefits to farmer and rancher borrowers of the Farm Credit System institutions of merging the 11 district Farm Credit Banks (and the Intermediate Credit Bank of Jackson) into fewer regional Farm Credit Banks.

(2) FACTORS.—In preparing the report, the Comptroller General shall consider—

(A) the potential reduction in services to farmers and ranchers;

(B) the potential benefits of jointly providing services to farmers and ranchers among these proposed regional districts;

(C) any economy of scale effects on a district-by-district basis;

(D) the potential impact on the cooperative nature of the Farm Credit System;

(E) the potential impact on bank and association relationships; and

(F) the potential impact on Systemwide bond issuances.

(c) POTENTIAL SAVINGS.—The Comptroller General of the United States shall evaluate and report to the appropriate committees of Congress on the potential savings to the Farm Credit System and its shareholders that might occur if System institutions and the Farm Credit Administration were required to comply with General Services Administration standards for office space, furniture, and equipment.

(d) DEADLINE.—The reports required under this section shall be provided to Congress not later than 12 months after the date of enactment of this Act.

SEC. 202. STATUTORY SUCCESSOR TO ASSISTANCE BOARD AGREEMENTS.

(a) IN GENERAL.—Section 5.58(2) (12 U.S.C. 2277a-7(2)) is amended by adding at the end

the following new sentence: "The Corporation shall succeed to the rights of the Farm Credit System Assistance Board under agreements between the Farm Credit System Assistance Board and System institutions certifying the institutions as eligible to issue preferred stock pursuant to title VI on the termination of the Assistance Board on the date provided in section 6.12.".

(b) CONFORMING AMENDMENTS.—Section 5.35(4) (12 U.S.C. 2271(4)) is amended—

(1) by striking "and" at the end of subparagraph (A);

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

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

"(C) after December 31, 1992, mean any significant noncompliance by a System institution (as determined by the Farm Credit Administration, in consultation with the Farm Credit System Insurance Corporation) with any term or condition imposed on the institution by the Farm Credit System Assistance Board under section 6.6 or by the Farm Credit System Insurance Corporation under section 5.61.".

TITLE III—REPAYMENT OF FARM CREDIT SYSTEM DEBT OBLIGATIONS

SEC. 301. CAPITAL PRESERVATION.

Section 6.9(e)(3) (12 U.S.C. 2278a-9(e)(3)) is amended by striking subparagraphs (C) and (D) and inserting the following new subparagraphs:

"(C) PAYMENT OF PRINCIPAL.—

"(i) IN GENERAL.—After the end of the 15-year period beginning on the date of the issuance of any obligation under this subsection, the banks operating under this Act shall pay to the Financial Assistance Corporation, on demand, an amount equal to the outstanding principal of the obligation. Each bank shall pay a proportion of the principal equal to—

"(I) the average accruing loan volume of the bank for the preceding 15 years; divided by

"(II) the average accruing loan volume of all banks of the System for the same period.

"(ii) LIABILITY FOR BANKS TERMINATING SYSTEM STATUS.—A bank terminating System status pursuant to section 7.10 shall be required, under regulations of the Farm Credit Administration, to pay to the Financial Assistance Corporation, the present value of such estimated future payment as would have been due had the bank remained in the System. A liability to the Financial Assistance Corporation for the amount shall be recognized as a claim in favor of the Financial Assistance Corporation against the bank.

"(iii) LIABILITY FOR BANKS UNDERGOING LIQUIDATION.—If a bank is undergoing liquidation under section 4.12, a liability to the Financial Assistance Corporation, calculated under clause (ii) as if the bank had terminated System status on the date it was placed in liquidation, shall be recognized as a claim in favor of the Financial Assistance Corporation against the estate of the bank.

"(iv) NO ANTICIPATORY REDUCTIONS IN OTHER OBLIGATIONS.—The obligations of other banks shall not be reduced, in any year from the amount determined under subparagraph (D), in anticipation of any such recoveries from banks terminating System status or that are in liquidation, except that the Financial Assistance Corporation shall—

"(I) apply the recoveries and all earnings on the recoveries, to reduce the other banks' subsequent payment obligations proportionately; or

"(II) to the extent the recoveries exceed the amount necessary to reduce the other banks' subsequent payment obligations to zero (or if the other banks have no subsequent payment obligations), refund the recoveries when received, to the other banks in proportion to the other banks' payments received by the Financial Assistance Corporation under this subparagraph and subparagraph (D) prior to the recovery.

"(D) ANNUAL PAYMENTS.—

"(i) IN GENERAL.—In order to provide for the orderly funding and discharge over time of the obligation of each System bank to the Financial Assistance Corporation under subparagraph (C), each System bank shall enter into or continue in effect an agreement with the Financial Assistance Corporation under which—

"(I) the bank will make annual payments to the Financial Assistance Corporation, beginning no later than December 31, 1992 (except as provided in clause (ii)) in amounts designed to accumulate, in total, including earnings thereon, the obligation; and

"(II) the Financial Assistance Corporation will partially discharge the bank from its obligation under subparagraph (C) to the extent of each such payment and the earnings on the payment.

"(ii) DEADLINE FOR CERTAIN BANKS.—In the case of a bank that did not meet its interim capital requirement on December 31, 1990, the bank shall begin making payments under clause (i) no later than December 31, 1993.

"(iii) PERMANENT CAPITAL REQUIREMENTS.—The agreement shall not require payments to be made to the extent that making a particular payment or part of a payment would cause a bank to fail to satisfy applicable regulatory permanent capital requirements, but shall provide for recalculation of subsequent payments accordingly to ensure that the total of the bank's payments, plus earnings, are sufficient to discharge its obligations.

"(iv) INVESTMENT OF FUNDS.—The funds received by the Financial Assistance Corporation pursuant to agreements under this subparagraph shall be invested in eligible investments (as defined in section 6.25(a)(1)). The funds and the earnings on the funds shall be available only for the payment of the principal of the bonds issued by the Financial Assistance Corporation under this subsection.

"(E) FINANCIAL REPORTING.—Until each obligation issued in accordance with this subsection reaches maturity, for all financial reporting purposes—

"(i) the obligation shall be considered to be the sole obligation of the Financial Assistance Corporation and shall not be considered a liability of any System bank; and

"(ii) an obligation to make future annuity payments to the Financial Assistance Corporation under subparagraph (D) shall not be considered a liability of any System bank.".

SEC. 302. UNALLOCATED SURPLUS ACCOUNTS FOR PREFERRED STOCK.

(a) IN GENERAL.—Section 6.26(d)(1) (12 U.S.C. 2278b-6(d)(1)) is amended—

(1) by striking subparagraph (D);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) UNALLOCATED SURPLUS ACCOUNTS FOR PREFERRED STOCK.—

"(i) IN GENERAL.—Effective beginning with calendar year 1992, as soon as practicable following the end of each prior year, except as provided in clause (ii), each such institution (other than an institution in receivership) shall appropriate from its earnings in the prior year to an unallocated surplus account for preferred stock an amount equal to—

"(I) the greater of—

"(aa) such amount as the institution may be required to appropriate under any assistance agreement it has with the Farm Credit System Assistance Board or the Farm Credit System Insurance Corporation; or

"(bb) the amount that, if appropriated to the account in equal amounts in each year thereafter until the maturity of the obligation referred to in subparagraph (A), would cause the amount in the account to equal the par value of the preferred stock issued by the institution with respect to the obligation; plus

"(II) any amount that had been appropriated to the account in a previous year but had thereafter been offset by losses.

"(ii) LIMITATION.—An annual appropriation less than or equal to the institution's net income (as determined pursuant to generally accepted accounting principles) shall be made pursuant to this subparagraph, except that any amount of such appropriation calculated under clause (i) that exceeds the institution's net income shall not be appropriated, nor shall an appropriation be made that would cause the institution's preferred stock to be impaired.

"(iii) NONAVAILABILITY FOR DIVIDENDS.—The amount in such appropriated unallocated surplus account shall be unavailable to pay dividends or other allocations or distributions to shareholders or holders of participation certificates.

"(iv) OPERATING LOSSES.—The account shall be senior to all other unallocated surplus accounts but junior to all preferred and common stock for purposes of the application of operating losses.

"(v) PERMANENT CAPITAL REQUIREMENTS.—The appropriations of surplus by an institution shall not affect the treatment of its preferred stock (and of the appropriated unallocated surplus) as equity for purposes of regulatory permanent capital requirements.".

(b) CONFORMING AMENDMENTS.—Section 6.26(d)(1) (as amended by subsection (a)(1) of this section) is further amended—

(1) in subparagraph (B), by striking "subparagraph (C)" and inserting "subparagraph (D)"; and

(2) in subparagraph (E), by striking "subparagraphs (B) and (C)" and inserting "subparagraphs (B), (C), and (D)".

SEC. 303. SYSTEM-WIDE REPAYMENT OBLIGATION.

Subparagraph (D) of section 6.26(d)(1) (12 U.S.C. 2278b-6(d)(1)) (as redesignated by section 302(a)(1) of this Act) is further amended to read as follows:

"(D) SYSTEM-WIDE REPAYMENT.—

"(i) IN GENERAL.—In order to enable the Financial Assistance Corporation to repay the obligations issued to provide assistance under section 410(c) of the Agricultural Credit Act of 1987 (12 U.S.C. 2011 note) and section 4.9A(c) of this Act, or issued to provide funds to cover the expenses of the Assistance Board or the Financial Assistance Corporation under sections 6.7(a) and 6.24, respectively, each System bank shall pay to the Financial Assistance Corporation a proportion, as calculated by the Financial Assistance Corporation, of the obligation equal to—

"(I) the average accruing retail loan volume of the bank and its affiliated associations for the preceding 15 years; divided by

"(II) the average accruing retail loan volume of all such banks and their affiliated associations for the same period.

"(ii) INCREASE IN PRESENT VALUE OF ESTIMATED OBLIGATIONS.—The annual increase in the present value of the estimated obligation

of each bank to the Financial Assistance Corporation under this subparagraph shall be recorded each year as an expense item, in accordance with generally accepted accounting principles, on the books of the bank. A bank may (and, to the extent necessary to satisfy its obligations, shall) pass on (either directly, or indirectly through loan pricing or otherwise) all or part of the payment requirement to its affiliated direct lender associations based on proportionate average accruing retail loan volumes for the preceding 15 years, but the bank shall remain primarily liable for the amount.

"(iii) LIABILITY.—

"(I) BANKS TERMINATING SYSTEM STATUS.—A bank terminating System status pursuant to section 7.10 shall be required, under regulations of the Farm Credit Administration, to pay to the Financial Assistance Corporation the present value of such estimated future payment as would have been due had the bank remained in the System. A liability to the Financial Assistance Corporation for the amount shall be recognized as a claim in favor of the Financial Assistance Corporation against the bank.

"(II) BANKS UNDERGOING LIQUIDATION.—If a bank is undergoing liquidation under section 4.12, a liability to the Financial Assistance Corporation, calculated under subclause (I) as if the bank had terminated System status on the date it was placed in liquidation, shall be recognized as a claim in favor of the Financial Assistance Corporation against the estate of the bank.

"(III) NO ANTICIPATORY REDUCTIONS IN OTHER OBLIGATIONS.—The obligations of other banks shall not be reduced in anticipation of any such recoveries from banks terminating System status or that are in liquidation, except that the Financial Assistance Corporation shall—

"(aa) apply the recoveries and all earnings on the recoveries, to reduce the other banks' subsequent payment obligations proportionately; or

"(bb) to the extent the recoveries exceed the amount necessary to reduce the other banks' subsequent payment obligations to zero (or if the other banks have no subsequent payment obligation), refund the recoveries when received, to the other banks in proportion to the other banks' payments received by the Financial Corporation under this subparagraph prior to the recovery.

"(iv) FUTURE PAYMENTS.—

"(I) ASSOCIATIONS TERMINATING SYSTEM STATUS.—An association terminating System status pursuant to section 7.10 shall be required, under regulations of the Farm Credit Administration, to pay to its supervising bank a share, based on the association's retail loan volume relative to the retail loan volume of the bank and its affiliated associations had the association remained in the System, of the present value of the estimated future payment. A liability to the bank in the amount shall be recognized as a claim in favor of the bank against the association.

"(II) ASSOCIATIONS UNDERGOING LIQUIDATION.—If an association is undergoing liquidation under section 4.12, a liability to the association's supervising bank, calculated under subclause (I) as if the association had left the System on the date it was placed in liquidation, shall be recognized as a claim in favor of the association's supervising bank against the estate of the association.".

SEC. 304. REPAYMENT OF TREASURY-PAID INTEREST.

Paragraph (5) of section 6.26(c) (12 U.S.C. 2278b-6(c)(5)) is amended to read as follows:

"(5) REPAYMENT OF TREASURY-PAID INTEREST.—

"(A) IN GENERAL.—On the maturity date of the last-maturing debt obligation issued under subsection (a), the Financial Assistance Corporation shall repay to the Secretary of the Treasury the total amount of all annual interest charges on the debt obligations that Farm Credit System institutions (other than the Financial Assistance Corporation) have not previously paid. The Financial Assistance Corporation shall not be required to pay any additional interest charges on the payments.

"(B) ASSESSMENT.—In order to provide for the orderly funding by the banks of the System of the repayment by the Financial Assistance Corporation to the Secretary of the Treasury, the Financial Assistance Corporation shall assess each System bank on or about July 1 of each year beginning in 1992, and each System bank shall promptly pay to the Financial Assistance Corporation, an annual amount equal to .0004 times the bank's and its affiliated associations' average accruing retail loan volume for the preceding year, subject to—

"(i) upward or downward adjustment, as appropriate, by the Financial Assistance Corporation during each of the last 5 years prior to the date the Financial Assistance Corporation is obligated to make the repayment, in order to ensure that the Financial Assistance Corporation will have the amount of funds needed to make the repayment on the due date; and

"(ii) reduction or termination in any year when the funds paid to the Financial Assistance Corporation, including any anticipated future earnings on the funds, are sufficient to make the repayment on the due date.

"(C) INVESTMENT OF FUNDS.—The Financial Assistance Corporation shall invest funds derived from the assessment in eligible investments (as defined in section 6.25(a)(1)). The funds and the earnings on the funds shall be available only for the repayment to the Secretary of the Treasury provided for in subparagraph (A).

"(D) PASS THROUGH.—A bank may (and, to the extent necessary to satisfy its obligations, shall) pass on (either directly, or indirectly through loan pricing or otherwise) all or part of the assessments to its affiliated direct lender associations based on proportionate average accruing retail loan volumes for the preceding year, but the bank shall remain primarily liable for the amounts.

"(E) LIABILITY.—

"(i) BANKS TERMINATING SYSTEM STATUS.—A bank terminating System status pursuant to section 7.10 shall be required, under regulations of the Farm Credit Administration, to pay to the Financial Assistance Corporation, the present value of such estimated future assessments as would have been due had the bank remained in the System. A liability to the Financial Assistance Corporation in the amount shall be recognized as a claim in favor of the Financial Assistance Corporation against the bank.

"(ii) BANKS UNDERGOING LIQUIDATION.—If a bank is undergoing liquidation under section 4.12, a liability to the Financial Assistance Corporation, calculated under clause (i) as if the bank had terminated System status on the date it was placed in liquidation, shall be recognized as a claim in favor of the Financial Assistance Corporation against the estate of the bank.

"(iii) NO ANTICIPATORY REDUCTIONS IN OTHER OBLIGATIONS.—The obligations of other banks shall not be reduced in anticipation of any such recoveries from banks leaving the System or in liquidation.

"(iv) REFUND OF RECOVERIES.—The Financial Assistance Corporation shall refund the recoveries, when received, to the other banks in proportion to the other banks' payments received by the Financial Assistance Corporation under this subparagraph prior to the recovery. If the recoveries exceed the payments received from the other banks prior to that time, the Financial Assistance Corporation shall apply the excess, and all earnings on the excess, to reduce the other banks' subsequent payment obligations proportionately.

"(F) FUTURE PAYMENTS.—

"(i) ASSOCIATIONS TERMINATING SYSTEM STATUS.—An association terminating System status pursuant to section 7.10 shall be required, under regulations of the Farm Credit Administration, to pay to its supervising bank a share, based on the association's retail loan volume relative to the retail loan volume of the bank and its affiliated associations had the association remained in the System, of the present value of such estimated future assessments as would have been due had the association remained in the System. A liability to the bank in the amount shall be recognized as a claim in favor of the bank against the association.

"(ii) ASSOCIATIONS UNDERGOING LIQUIDATION.—If an association is undergoing liquidation under this Act, a liability to the association's supervising bank, calculated under clause (i) as if the association had left the System on the date it was placed in liquidation, shall be recognized as a claim in favor of the association's supervising bank against the estate of the association.

"(G) CAPITAL REQUIREMENTS.—Until the Financial Assistance Corporation has repaid the Secretary of the Treasury pursuant to subparagraph (A), all assessments paid by banks to the Financial Assistance Corporation pursuant to subparagraph (B), and any part of the obligation to pay future assessments to the Financial Assistance Corporation under subparagraph (B) that is recognized as an expense on the books of any System bank or association, shall nonetheless be included in the capital of the bank or association for purposes of determining its compliance with regulatory capital requirements.".

SEC. 305. CLARIFICATION OF OBLIGATION.

(a) IN GENERAL.—Section 6.26 (12 U.S.C. 2278b-6) is amended—

(1) in subsection (c)—

(A) in paragraph (2)(B), by striking "institutions" each place it appears and inserting "banks";

(B) in paragraph (2), by striking subparagraph (C) and inserting the following new subparagraph:

"(C) ALLOCATION.—During each year of the second 5-year period, each System bank shall pay to the Financial Assistance Corporation a proportion, as calculated by the Financial Assistance Corporation, of the interest due from System banks under this paragraph equal to—

"(i) the amount of the average accruing retail loan volume of the bank and its affiliated associations for the preceding year; divided by

"(ii) the total average accruing retail loan volume of all such banks and their affiliated associations for the preceding year.";

(C) in paragraph (2), by striking subparagraph (D); and

(D) in paragraphs (3) and (4), by striking "institutions" each place it appears and inserting "banks"; and

(2) by adding at the end the following new subsection:

"(e) ADMINISTRATION.—

"(1) DEFINITION OF RETAIL LOAN VOLUME.—As used in this section, the term 'retail loan volume' means all loans (as defined in accordance with generally accepted accounting principles) by a System bank or association, excluding loans by the bank or association to another System institution.

"(2) CALCULATION OF AVERAGE ANNUAL LOAN VOLUMES.—For purposes of this section and section 6.9, average annual loan volumes shall be calculated using month-end balances.

"(3) EXCLUSION OF BANKS UNDERGOING LIQUIDATION.—For purposes of this section and section 6.9, the term 'bank' shall not include a bank that had entered liquidation prior to the date of enactment of this subsection.".

(b) CONFORMING AMENDMENT.—Section 6.9 (12 U.S.C. 2278a-9) is amended by adding at the end the following new subsection:

"(f) ADMINISTRATION.—This section shall be subject to paragraphs (2) and (3) of section 6.26(e).".

SEC. 306. DEFAULTS.

Section 6.26(d) (12 U.S.C. 2278b-6(d)) is amended—

(1) in paragraph (3)(A), by striking the subparagraph heading and inserting the following: "CERTAIN PRINCIPAL AND INTEREST OBLIGATIONS.—";

(2) in paragraph (3)(A)(i)—

(A) by striking "institution" each place it appears and inserting "bank";

(B) by inserting before ", the Financial Assistance Corporation" the following: ", on the payment of principal or interest due under subparagraphs (B) and (C) of section 6.9(e)(3), on the payment of principal due under paragraph (1)(C), or on the payment of an assessment due under subsection (c)(5)(B)"; and

(C) by striking "of the interest" both places it appears; and

(3) in paragraph (3)(A)(ii)—

(A) by striking "of interest";

(B) by striking "institution" and inserting "bank"; and

(C) by striking "such uncollected interest" and inserting "any uncollected amount";

(4) in paragraph (3)(A)(iii), by striking "added" and all that follows through the period at the end and inserting "allocated to other System banks in accordance with the allocation mechanism applicable under this Act to the particular defaulted obligation.";

(5) in paragraph (3)(B), by striking the subparagraph heading and inserting the following: "PRINCIPAL OF BONDS ISSUED TO FUND PURCHASE OF PREFERRED STOCK.—";

(6) in the first sentence of paragraph (3)(B)(iii), by adding before the period at the end the following: "to the extent that the redemption would impair the other stock or equities of the institution or render the institution incapable of meeting its capital adequacy standards";

(7) in paragraph (3)(C)—

(A) by striking "institution" and inserting "bank";

(B) by striking "institutions" each place it appears and inserting "banks"; and

(C) by striking "the amount of any interest" and inserting "any amounts";

(8) in paragraph (3), by adding at the end the following new subparagraph:

"(D) RECOURSE BY FARM CREDIT SYSTEM INSURANCE CORPORATION.—A defaulting bank shall be liable to the Farm Credit System Insurance Corporation for the amount of any interest or principal paid by the Corporation under this paragraph.";

(9) in paragraph (4)(A), by inserting before ", the Secretary" the following: "or section 6.9(e)(3)(A) after exhausting all funds in the Trust Fund";

(10) in paragraph (4)(B)(i)—

(A) by striking the clause heading and inserting the following: "CERTAIN PRINCIPAL AND INTEREST OBLIGATIONS.—";

(B) by striking "institution" each place it appears and inserting "bank";

(C) by inserting before ", the Secretary of the Treasury" the following: ", on the payment of principal or interest due under subparagraphs (B) and (C) of section 6.9(e)(3), on the payment of principal due under paragraph (1)(C), or on the payment of an assessment due under subsection (c)(5)(B)"; and

(D) by adding at the end the following new sentence: "The defaulting bank shall be liable to the Farm Credit System Insurance Corporation for the amount paid to the Secretary from the Insurance Fund."; and

(11) in paragraph (4)(B)(ii), by striking the clause heading and inserting the following: "PRINCIPAL OF BONDS ISSUED TO FUND PURCHASE OF PREFERRED STOCK.—".

SEC. 307. AUTHORITY OF FINANCIAL ASSISTANCE CORPORATION.

(a) PURPOSE.—Section 6.21 (12 U.S.C. 2278b-1) is amended by inserting before the period at the end the following: "and to assist, pursuant to section 6.9(e) and subsections (c) through (g) of section 6.26, in the repayment by System institutions to those who provided funds in connection with the program".

(b) TERMINATION.—Section 6.31(a) (12 U.S.C. 2278b-11(a)) is amended by inserting after "terminate on" the following: "the complete discharge by the Financial Assistance Corporation of its responsibilities under section 6.9(e) and subsections (c) through (g) of section 6.26 with regard to repayments by System institutions, but in no event later than 2 years following".

SEC. 308. CONFORMING AMENDMENTS.

Section 6.28 (12 U.S.C. 2278b-8) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

TITLE IV—MISCELLANEOUS

SEC. 401. VALUATION RESERVES FOR PRODUCTION CREDIT ASSOCIATIONS.

Subsection (b) of section 2.3 (12 U.S.C. 2074(b)) is amended to read as follows:

"(b) APPLICATION OF EARNINGS.—Each production credit association at the end of each fiscal year shall apply the amount of the earnings of the association for the year in excess of the operating expenses of the association (including provision for valuation reserves against loan assets in such amounts as are considered necessary under generally accepted accounting principles)—

"(1) first to the restoration of the impairment, if any, of capital; and

"(2) second, to the establishment and maintenance of the surplus accounts, the minimum aggregate amount of which shall be prescribed by the Farm Credit Bank.".

SEC. 402. RISK MANAGEMENT PARTICIPATION AUTHORITY.

Section 3.1(11) (12 U.S.C. 2122(11)) is amended—

(1) by inserting "(A)" after the paragraph designation; and

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

"(B)(i) Participate in any loan of a type otherwise authorized under this title that is made to a similar entity by any institution in the business of extending credit, including purchases of participations in loans to finance international trade transactions involving the sale of agricultural commodities or the products thereof, except that—

"(I) a bank for cooperatives may not participate in a loan—

"(aa) if the participation would cause the total amount of all loan participations by the bank under this subparagraph involving a single credit risk to exceed 10 percent of the bank's total capital; or

"(bb) if the participation by the bank will itself equal or exceed 50 percent of the principal of the loan or, when taken together with participations in the loan by the other banks for cooperatives under this subparagraph, will cause the cumulative amount of the participations by all banks for cooperatives in the loan to equal or exceed 50 percent of the principal of the loan;

"(II) a bank for cooperatives may not participate in a loan to a similar entity under this subparagraph if the similar entity has a loan or loan commitment outstanding with a Farm Credit Bank or an association chartered under this Act, unless agreed to by the Bank or association; and

"(III) the cumulative amount of participations that a bank for cooperatives may have outstanding under this subparagraph at any time may not exceed 15 percent of the bank's total assets.

"(ii) For the purposes of this subparagraph, the term 'similar entity' means an entity that, while not eligible for a loan under section 3.8, is functionally similar to an entity eligible for a loan under section 3.8 in that it derives a majority of its income from, or has a majority of its assets invested in, the conduct of activities functionally similar to those conducted by the entity.

"(iii) With respect to similar entities that are eligible to borrow from a Farm Credit Bank or association under title I or II, the authority of a bank for cooperatives to participate in loans to the entities under this subparagraph shall be subject to the prior approval of the Farm Credit Bank or Banks in whose chartered territory the entity is eligible to borrow. The approval may be granted on an annual basis and under such terms and conditions as may be agreed on between the bank for cooperatives and the Farm Credit Bank or Banks that serve the territory.".

SEC. 403. TECHNICAL AMENDMENT.

The first sentence of section 3.7(a) (12 U.S.C. 2128(a)) is amended by inserting "at any time (whether or not they have a loan from the bank outstanding)" after "technical and financial assistance".

SEC. 404. INSTALLATION, EXPANSION, OR IMPROVEMENT OF WATER AND WASTE DISPOSAL FACILITIES.

The first sentence of section 3.7(f) (12 U.S.C. 2128(f)) is amended to read as follows: "The banks for cooperatives may make and participate in loans and commitments and extend other technical and financial assistance to—

"(1) cooperatives formed specifically for the purpose of establishing or operating water or waste disposal facilities in rural areas; and

"(2) public and quasi-public agencies and bodies, and other public and private entities that, under authority of State or local law, establish or operate water or waste disposal facilities in rural areas.".

SEC. 405. ELIGIBILITY TO BORROW FROM A BANK FOR COOPERATIVES.

Section 3.8 (12 U.S.C. 2129) is amended by adding at the end the following new subparagraph:

"(E) Any creditworthy private entity that satisfies the requirements for a service coop-

erative under paragraphs (1), (2), and (4) of subsection (a) and subsidiaries of the entity, if the entity is organized to benefit agriculture in furtherance of the welfare of its farmer-members and is operated on a not-for-profit basis.".

SEC. 406. NON-VOTING REPRESENTATIVE ON BOARD OF FUNDING CORPORATION.

Paragraph (2) of section 4.9(d) (12 U.S.C. 2160(d)(2)) is amended to read as follows:

"(2) NON-VOTING REPRESENTATIVES.—

"(A) ASSISTANCE BOARD.—During the period in which the Assistance Board is in existence, the board of directors of the Assistance Board shall designate one of its directors to serve as a non-voting representative to the board of directors of the Corporation.

"(B) MEETINGS.—The person designated by the Assistance Board under subparagraph (A) may attend and participate in all deliberations of the board of directors of the Corporation.

"(C) TERMINATION OF ASSISTANCE BOARD.—After termination of the Assistance Board, neither the Assistance Board nor its successor, the Farm Credit System Insurance Corporation, shall have any representation on the board of directors of the Corporation.".

SEC. 407. SECTIONAL REPRESENTATION ON SYSTEM BOARDS OF DIRECTORS.

Section 4.15 (12 U.S.C. 2203) is amended—

(1) by striking "SEC. 4.15" and all that follows through "Each production association" and inserting:

"SEC. 4.15. NOMINATION AND ELECTION OF BANK AND ASSOCIATION DIRECTORS.

"(a) NOMINATION OF DIRECTORS.—Each production association"; and

(2) by adding at the end the following new subsection:

"(b) SECTIONAL REPRESENTATION ON BANK AND ASSOCIATION BOARDS.—

"(1) IN GENERAL.—In order to ensure representation of sections within the territory served by each bank or association of the System, each such bank (other than the National Bank for Cooperatives) and association may include in its bylaws providing for the election of its board of directors, provisions for election of one or more members of the board (other than the member of the board who is elected by the other members of the board) from designated sections within the territory served by the bank or association, rather than for the election of all of the members of the board on an at-large basis.

"(2) COMBINED BASES.—Nothing in this subsection shall be construed to prohibit any such bank or association from providing, in its bylaws, for the election of some of the members of its board on a sectional basis and others on an at-large basis.".

SEC. 408. COMPENSATION OF BANK DIRECTORS.

Section 4.21 (12 U.S.C. 2209) is amended to read as follows:

"SEC. 4.21. COMPENSATION OF BANK DIRECTORS.

"The Farm Credit Administration shall monitor the compensation of members of the board of directors of a System bank received as compensation for serving as a director of the bank to ensure that the amount of the compensation does not adversely affect the safety and soundness of the bank.".

SEC. 409. POWERS OF FARM CREDIT ADMINISTRATION.

Subsection (b) of section 5.17 (12 U.S.C. 2252(b)) is amended to read as follows:

"(b) The Farm Credit Administration shall not have authority, either directly or indirectly—

"(1) to approve bylaws, or any amendments, modifications, or changes to bylaws, of System institutions; or

"(2) to approve the salary scale, compensation, or benefit or retirement plans for employees of System institutions.".

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

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

The motion to lay on the table was agreed to.

CORRECTING THE ENROLLMENT OF S. 838

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 116, a concurrent resolution correcting the enrollment of S. 838, the child abuse prevention and treatment bill, introduced earlier today by Senators DODD and COATS.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 116) to authorize corrections in the enrollment of S. 838.

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. 116) was agreed to, as follows:

S. CON. RES. 116

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the text of the bill (S. 838) to amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such Act, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 116(a)(4) of the bill—

(A) by adding "and" after the semicolon in subparagraph (C); and

(B) by striking out subparagraph (D) and all that follows and inserting in lieu thereof the following new subparagraph:

"(D) by striking out 'handicaps;' in subparagraph (F), and inserting in lieu thereof 'disabilities'.".

(2) In section 117 of the bill—

(A) by inserting "(a) IN GENERAL.—" before "Section 114(a)"; and

(B) by adding at the end thereof the following new subsection:

"(b) DELAYED EFFECTIVE DATE.—Paragraph (2) of section 114(a), as amended by subsection (a), shall become effective on October 1 of the first fiscal year for which $30,000,000 or more would be available under subsection (a)(2)(B)(ii) of such section 114 (if such subsection were in effect), and until such fiscal year, the second and third sentences of section 114(a) (as in effect prior to the amendment made by such subsection (a)) shall continue in effect.".

(3) In section 124(2)—

(A) by striking out subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

Mr. FORD. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

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

The motion to lay on the table was agreed to.

INFANT MORTALITY AWARENESS DAY

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 425, a joint resolution designating May 10, 1992, as "Infant Mortality Awareness Day," just received from the House; that the joint resolution be deemed read three times and passed; that the motion to reconsider be laid upon the table; and that the preamble be agreed to.

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

So the joint resolution (H.J. Res. 425) was deemed read the third time and passed.

The preamble was agreed to.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, in consultation with the chairman and ranking member of the Committee on Finance, pursuant to provisions of Public Law 102-164, appoints the following individuals to the Advisory Council on Unemployment Compensation:

William Grossenbacher, of Texas, as a representative of the interests of State governments;

Owen Bieber, of Michigan, as a representative of the interests of labor; and

John J. Stephens, of Oregon, as a representative of the interests of business.

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

At 12:12 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, an-

nounced that the House disagrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 287) setting forth the congressional budget for the U.S. Government for the fiscal years, 1993, 1994, 1995, 1996, and 1997; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints, Mr. PANETTA, Mr. GEPHARDT, Mr. OBERSTAR, Mr. GUARINI, Mr. DURBIN, Mr. ESPY, Mr. KILDEE, Mr. BEILENSON, Mr. HUCKABY, Mr. SABO, Mr. GRADISON, Mr. MCMILLAN of North Carolina, Mr. THOMAS of California, Mr. ROGERS, Mr. HOUGHTON, and Mr. MCCRERY as managers of the conference on the part of the House.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4364. An act to authorize appropriations of the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, research and program management, and Inspector General, and for other purposes;

H.R. 4485. An act to authorize reimbursement of expenses for overseas inspections and examination of foreign vessels; and

H.R. 4774. An act to provide flexibility to the Secretary of Agriculture to carry out food assistance programs in certain countries.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 311. A concurrent resolution recognizing the 50th anniversary of the Battle of the Coral Sea, paying tribute to the United States-Australian relationship, and reaffirming the importance of cooperation between the United States and Australia within the region.

The message also announced that pursuant to the provisions of section 5005(d)(1) of Public Law 102-240, the Speaker appoints the following individuals from private life as members of the National Commission on Intermodal Transportation on the part of the House: Mr. John W. Snow, Richmond, VA; and Mr. John G. Roach, of St. Louis, MO.

The message further announced that pursuant to the provisions of section 1081(c) of Public Law 102-240, the Speaker appoints the following individuals from private life as members of the Commission to Promote Investment in America's Infrastructure on the part of the House: Mr. Neil Goldschmidt of Portland, OR, and Mr. Daniel V. Flanagan, Jr. of Arlington, VA.

The message also announced that pursuant to the provisions of section 201(B)(i) of Public Law 101-445, the Speaker appoints Miss Sheryl L. Lee of Mesa, AZ, to the National Nutrition Monitoring Advisory Council on the part of the House.

The message further announced that pursuant to the provisions of 19 United States Code 2211, and upon the recommendation of the chairman of the Committee on Ways and Means, the Speaker has selected the following members of that committee to be accredited by the President as official advisers on the part of the House to the United States delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the 2d session of the 102d Congress: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. JENKINS, Mr. ARCHER, and Mr. CRANE.

The message also announced that pursuant to the provisions of Public Law 96-388, as amended by Public Law 97-84, the Speaker appoints Mr. YATES, Mr. LEHMAN of Florida, Mr. SOLARZ, Mr. LANTOS, and Mr. GREEN of New York to the United States Holocaust Memorial Council on the part of the House.

The message further announced that pursuant to section 204 of Public Law 98-459, the Speaker reappoints Mrs. Josephine K. Oblinger of Williamville, IL, from private life, as a member of the Federal Council on the Aging on the part of the House.

The message also announced that pursuant to the provisions of section 4(b) of Public Law 94-201, the Speaker reappoints the following individuals from private life as members of the Board of Trustees of the American Folklife Center in the Library of Congress on the part of the House: Mrs. Nina M. Archabal of St. Paul, MN, and Mrs. Judith McCulloh of Champaign, IL.

The message further announced that pursuant to the provisions of the Congressional Award Act (2 U.S.C. 803), as amended by Public Law 101-525, the Speaker appoints the following individuals to the Congressional Award Board on the part of the House:

From the U.S. House of Representatives: Mr. PAYNE of New Jersey; and

From private life: Mr. Eugene Moos of Washington, DC.

The message also announced that pursuant to the provisions of section 302(a)(12) of Public Law 101-557, the Speaker appoints Mr. WYDEN to the Task Force on Aging Research on the part of the House.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker has signed the following bill and joint resolutions:

S. 3. An act to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and benefits for congressional election campaigns, and for other purposes;

H.J. Res. 430. Joint resolution to designate May 4, 1992, through May 10, 1992, as "Public Service Recognition Week"; and

H.J. Res. 466. Joint resolution designating April 26, 1992, through May 2, 1992, as "National Crime Victims' Rights Week".

The enrolled bill and joint resolutions were subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4364. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, research and program management, and Inspector General, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4485. An act to authorize reimbursement of expenses for overseas inspections and examination of foreign vessels; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 311. A concurrent resolution recognizing the 50th anniversary of the Battle of the Coral Sea, paying tribute to the United States-Australian relationship, and reaffirming the importance of cooperation between the United States and Australia within the region; to the Committee on Foreign Relations.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 7, 1992, he had presented to the President of the United States the following enrolled bill:

S. 3. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and benefits for congressional campaigns, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1985. A bill to establish a commission to review the Bankruptcy Code, to amend the Bankruptcy Code in certain aspects of its application to cases involving commerce and credit and individual debtors and add a temporary chapter to govern reorganization of small businesses, and for other purposes (Rept. No. 102-279).

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 1216. A bill to provide for the deferral of enforced departure and the granting of lawful temporary resident status in the United States to certain classes of nonimmigrant aliens of the People's Republic of China.

By Mr. PELL, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title:

S. 1731. A bill to establish the policy of the United States with respect to Hong Kong after July 1, 1997, and for other purposes.

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 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.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

John P. Walters, of Michigan, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Robert E. Payne, of Virginia, to be U.S. district judge for the Eastern District of Virginia.

Edward E. Carnes, of Alabama, to be U.S. circuit judge for the Eleventh Circuit.

Richard H. Kyle, of Minnesota, to be U.S. district judge for the District of Minnesota.

Joe Kendall, of Texas, to be U.S. district judge for the Northern District of Texas.

Lee H. Rosenthal, of Texas, to be U.S. district judge for the Southern District of Texas.

By Mr. PELL, from the Committee on Foreign Relations:

Roman Popadiuk, of New York, a career member of the Foreign Service, Class One, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ukraine.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Roman Popadiuk.

Post: Ambassador to Ukraine.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses Names: Gregory, none; Matthew, none; Catherne, none; Mary, none. (NOTE: All under the age of 12)

4. Parents names: Gregor Popadiuk (deceased), none, Paraskevia Popadiuk (deceased), none.

5. Grandparents names: Timko Popadiuk (deceased), none; Varvara Popadiuk (deceased), none Dmytro Shypka (deceased), none Note: All grandparents lived in Ukraine.

6. Brothers and spouses names: Sophia Shypka (deceased), none. Not applicable, no brothers.

Sisters and spouses names: Maria B. Popadiuk, none; Anna and John Baron, None.

Sigmund A. Rogich, of Nevada, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iceland.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Sigmund A. Rogich.

Post: Ambassador to Iceland.

Contributions, amount, date, and donee:

1. Self: $1,000, March 19, 1991, Bill Schuette for U.S. Senate; $150, June 14, 1990, Lynn Martin for U.S. Senate.

2. Spouse: NA.

3. Children and spouses names: Britten & Erin Rogich, none.

4. Parents names: Edwin & Ranny Rogich, none.

5. Grandparents names: Steve & Juanita Rogich, none; Arni Sigfusson, Olavia Sigridur, all deceased.

6. Brothers and spouses names: Edwin & Kathy Rogich, none; Steve Rogich, none.

7. Sisters and spouses names: Ronnie & Martin Chestnut, none; Stephanie & Dennis O'Brien, none.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably a nomination list in the Foreign Service which was printed in full in the CONGRESSIONAL RECORD of April 28, 1992, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

By Mr. PELL, from the Committee on Foreign Relations:

Treaty Doc. 101–12. Consular Convention With the Republic of Tunisia (Exec. Rept. No. 102–25).

Treaty Doc. 101–13. Consular Convention With the Democratic and Popular Republic of Algeria (Exec. Rept. No. 102–26).

Treaty Doc. 102–14. Consular Convention With the Mongolian People's Republic (Exec. Rept. No. 102–27).

Treaty Doc. 100–6. Supplementary Extradition Treaty With the Federal Republic of Germany (Exec. Rept. No. 102–28).

Treaty Doc. 102–17. Extradition Treaty With the Bahamas (Exec. Rept. No. 102–29).

Treaty Doc. 102–23. Protocol Amending the 1974 Extradition Treaty With Australia (Exec. Rept. No. 102–30).

Treaty Doc. 102–24. Second Supplementary Extradition Treaty With Spain (Exec. Rept. No. 102–31).

TEXTS OF REPORTED RESOLUTIONS OF ADVICE AND CONSENT TO RATIFICATION

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Consular Convention between the United States of America and the Republic of Tunisia, signed at Tunis on May 12, 1988.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Consular Convention between the United States of America and the Democratic and Popular Republic of Algeria, signed at Washington on January 12, 1989.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Consular Convention between the United States of America and the Mongolian People's Republic, signed at Ulaanbaatar on August 2, 1990.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Supplementary Treaty to the Treaty between the United States of America and the Federal Republic of Germany Concerning Extradition signed at Washington on October 21, 1986.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Commonwealth of the Bahamas signed at Nassau on March 9, 1990.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Amending the Treaty on Extradition between the United States of America and Australia, signed at Seoul on September 4, 1990.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Second Supplementary Extradition Treaty between the United States of America and the Kingdom of Spain, signed at Madrid on February 9, 1988.

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. GORE (for himself, Mr. MITCHELL, Mr. WIRTH, Mr. KERRY, Mr. ADAMS, Mr. AKAKA, Mr. CRANSTON, Mr. DODD, Mr. JEFFORDS, Mr. KERREY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. KENNEDY, Mr. DASCHLE, Mr. HARKIN, Mr. PELL, and Mr. SANFORD):

S. 2668. A bill to stabilize emissions of carbon dioxide to protect the global climate, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MITCHELL:

S. 2669. A bill to authorize the Administrator of the Environmental Protection Agency to award grants to the St. Croix International Waterway Commission; to the Committee on Environment and Public Works.

By Mr. SANFORD (for himself, Mr. KERREY, and Mr. LIEBERMAN):

S. 2670. A bill to identify Federal programs and agencies that are obsolete and should be eliminated or which are duplicative and should be consolidated with similar operations in other departments to promote efficiency in operation and uniformity of governmental action; to the Committee on Governmental Affairs.

By Mr. GRAHAM (for himself, Mr. MACK, and Mr. FOWLER):

S. 2671. A bill to amend title 23, United States Code, to make technical corrections; to the Committee on Environment and Public Works.

By Mr. DOLE (for himself and Mr. SIMPSON):

S. 2672. A bill to amend title 38, United States Code, to improve benefits in certain education and employment programs for veterans, and for other purposes; to the Committee on Veterans Affairs.

By Ms. MIKULSKI (for herself and Mr. ROBB):

S. 2673. A bill to require the Director of the Office of Personnel Management to carry out a program of job placement for civilian employees of the Federal Government whose employment positions are eliminated by reason of reductions in the size of the Federal workforce; to the Committee on Governmental Affairs.

S. 2674. A bill to require the Director of the Office of Personnel Management to establish

a toll-free information system to provide Federal employees whose positions are being eliminated due to reductions in the size of the Federal workforce with information relating to the employment-related opportunities and benefits available to such employees; to the Committee on Governmental Affairs.

By Mr. BINGAMAN:

S. 2675. A bill to promote the use of State-coordinated health insurance buying programs and assist States in establishing Health Insurance Purchasing Cooperatives, through which small employers may purchase health insurance, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2676. A bill for the relief of certain subcontractors that incurred losses resulting from the avoidable insufficiency of payment and performance bonds furnished in connection with Coast Guard contract DTC50-87-C-00096; to the Committee on the Judiciary.

By Mr. CRANSTON (for himself, Mr. DURENBERGER, Mr. BURDICK, Mr. PACKWOOD, Mr. AKAKA, Mr. SIMON, Mr. PELL, and Mr. HATFIELD):

S. 2677. A bill to ensure economic equity for American women and their families and to respond to the need to revitalize the American economy by expanding employment opportunities; improving access to funds for women business owners; enhancing economic justice for women through pay equity, improved child support enforcement, and benefits for part-time workers; and providing economic and retirement security for women as workers and as divorced or surviving spouses; to the Committee on Finance.

By Mr. KASTEN:

S. 2678. A bill to provide assistance to communities to improve drug abuse resistance education programs, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2679. A bill to promote the recovery of Hawaii tropical forests, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PRYOR (for himself, Mr. MOYNIHAN, Mr. SASSER, Mr. WALLOP, Mr. AKAKA, Mr. SHELBY, Mr. HOLLINGS, Mr. GRAMM, Mr. COHEN, Mr. BUMPERS, Mr. ROCKEFELLER, Mr. SANFORD, and Mr. GRASSLEY):

S. 2680. A bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to consult with State medical societies in revising the geographic adjustment factors used to determine the amount of payment for physicians' services under part B of the medicare program, to require the Secretary to base geographic-cost-of-practice indices under the program upon the most recent available data, and for other purposes; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 2681. A bill relating to Native Hawaiian Health Care, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. BUMPERS (for himself and Mr. WARNER):

S. 2682. A bill to direct the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the beginning of the protection of Civil War battlefields, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BENTSEN (for himself, Mr. MOYNIHAN, Mr. CHAFEE, Mr. PRYOR, and Mr. GRASSLEY):

S. 2683. A bill to amend title XVIII of the Social Security Act to provide for refinement of the geographic adjustment factor used for purposes of reimbursing physicians' services under medicare, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2684. A bill relating to the settlement of the water rights claims of the Jicarilla Apache Tribe; to the Select Committee on Indian Affairs.

By Mr. RIEGLE:

S. 2685. A bill to extend and enhance the operation of the "Super 301" provisions of the Trade Act of 1974, to provide for "Super 301" action with respect to United States-produced motor vehicles and motor vehicle parts, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MACK:

S. Res. 294. A resolution expressing a sense of the Senate with respect to recent events in Los Angeles and regarding an urban renewal policy; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. Con. Res. 115. A concurrent resolution welcoming President Leonid Kravchuk of Ukraine on his visit to the United States, and for other purposes; to the Committee on Foreign Relations.

By Mr. DODD (for himself and Mr. COATS):

S. Con. Res. 116. A concurrent resolution to authorize corrections in the enrollment of S. 838; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORE (for himself, Mr. MITCHELL, Mr. WIRTH, Mr. KERRY, Mr. ADAMS, Mr. AKAKA, Mr. CRANSTON, Mr. DODD, Mr. JEFFORDS, Mr. KERREY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. KENNEDY, Mr. HARKIN, Mr. DASCHLE, and Mr. PELL):

S. 2668. A bill to stabilize emissions of carbon dioxide to protect the global climate, and for other purposes; to the Committee on Environment and Public Works.

(The remarks of Senators and the text of the legislation appear earlier in today's RECORD.)

By Mr. MITCHELL:

S. 2669. A bill to authorize the Administrator of the Environmental Protection Agency to award grants to the St. Croix International Waterway Commission; to the Committee on Environment and Public Works.

ST. CROIX INTERNATIONAL WATERWAY ACT

Mr. MITCHELL. Mr. President, today I am introducing legislation to support an existing, cooperative effort by the State of Maine and the Province of New Brunswick to protect the environmental quality of the St. Croix River along the international boundary between the United States and Canada.

In 1987, the State of Maine and the Province of New Brunswick jointly established the St. Croix International Waterway Commission. The Commission is charged with developing and implementing plans for the cooperative and comprehensive management of resources along the 110 miles of the river which form the international boundary.

The Commission is an innovative response to the need for international cooperation to maintain the quality of a water resource that is important to both countries. The Commission, established by Maine statutes, includes four members appointed by the Governor of Maine and four members appointed by the Premier of New Brunswick.

With joint funding from Maine and New Brunswick, the Commission has developed a draft comprehensive plan for the waterway which it is beginning to implement. Some key elements of the plan call for agreement on high water quality goals and coordinated action to pursue them, retention of greenways along the waterway, coordinated economic development, and designation of segments of the waterway as outstanding natural and recreational assets.

Unfortunately, the continued operation of the Commission is now in question. Severe economic conditions in Maine preclude State funding for the Commission at this time. New Brunswick, however, is able to maintain funding and would match any funds provided by the United States. The Commission has not received Federal funding in the past, and there is not now authorization for such funding.

The legislation I am introducing today is intended to help assure that the valuable work of the Commission will continue. The bill authorizes funding of $100,000 per year for each of fiscal years 1993–1998. This Federal funding will be matched by the Province of New Brunswick or other eligible entities, including the State of Maine or local governments.

Mr. President, I ask unanimous consent that a copy of the bill be printed at an appropriate place in the RECORD.

I am confident that this modest investment in an existing effort for cooperative protection of these international boundary waters will result in tangible benefits to both countries, and I encourage my colleagues to support this proposal.

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

S. 2669

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

SEC. 1. SHORT TITLE.

This Act may be cited as the "St. Croix International Waterway Act of 1992".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The St. Croix River and Lakes System forms a common international boundary between the United States and Canada.

(2) The State of Maine and the Province of New Brunswick in Canada recognize the cultural, social, economic, and environmental significance of the St. Croix River.

(3) The State of Maine and the Province of New Brunswick have jointly established the St. Croix International Waterway Commission to preserve the unique natural and cultural heritage of the river.

(4) Since 1987, the Commission has implemented important and constructive activities to assure the coordinated and comprehensive management of shared heritage resources in the boundary area.

(5) The Commission has prepared a long-term cooperative management plan for the St. Croix International Waterway, and the effective implementation of the plan will benefit the boundary region.

(6) Successful operation of the Commission and effective implementation of the management plan requires sustained and reliable funding from the Federal Government.

SEC. 3. GRANTS.

(a) IN GENERAL.—The Administrator shall award grants to the St. Croix International Waterway Commission (established under sections 991 et seq. of title 38 of the Maine State Statutes Annotated) to—

(1) support the activities of the Commission; and

(2) implement plans and programs developed by the Commission.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of any grant awarded under this section shall be 50 percent of the amount of the grant award.

(2) NON-FEDERAL SHARE.—(A) The non-Federal share of a grant awarded under this section shall be 50 percent of the amount of the grant award.

(B) Any person, including the State of Maine, the Province of New Brunswick, the Government of Canada, of any political subdivision thereof, may pay the non-Federal share.

(c) REPORTS.—

(1) SUBMISSION BY COMMISSION.—As a condition to receiving a grant award under this section, the St. Croix International Waterway Commission shall submit to the Administrator, by a date specified by the Administrator, an annual report on the activities of the Commission and the use by the Commission of the grant award.

(2) SUBMISSION BY ADMINISTRATOR.—As soon as is practicable after receipt of the report under paragraph (1), the Administrator shall submit a copy of the report and any written recommendations concerning the report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $100,000 for each of the fiscal years 1993 through 1998 to carry out this Act.

SEC. 4. DEFINITIONS.

For the purposes of this Act—

(1) the term "Administrator" means the Administrator of the Environmental Protection Agency; and

(2) the term "Commission" means the St. Croix International Waterway Commission.

By Mr. SANFORD (for himself and Mr. KERREY):

S. 2670. A bill to identify Federal programs and agencies that are obsolete and should be eliminated or which are duplicative and should be consolidated with similar operations in other departments to promote efficiency in operation and uniformity of governmental action; to the Committee on Governmental Affairs.

FEDERAL GOVERNMENT STREAMLINING ACT OF 1992

Mr. SANFORD. Mr. President, I am pleased today to introduce new legislation entitled the Federal Government Streamlining Act of 1992. I have given a great deal of thought to this possibility and this problem for the several years I have been here. This bill is designed to provide more than rhetoric. It is designed to offer an action plan to cut unnecessary and wasteful Government spending.

Every Member of Congress, every Member of the Senate and House, has talked about the need to reduce the deficit, the need to eliminate wasteful spending of taxpayers' dollars, and the need to make Government more efficient and more responsive to the real needs of all Americans.

Similarly, every Member of Congress has probably read reports prepared by advisory committees or boards promulgating new ideas or new approaches, which have been received with widespread public enthusiasm, only to be placed high on an obscure shelf in a dark bureaucratic closet to collect dust.

In contrast, this legislation is specifically designed to avoid those problems. It creates a bipartisan Federal Government Streamlining Commission of 12 members appointed by the President and the majority and minority leadership of both Houses of Congress. In today's world, membership on this commission would be equally divided between both parties, including four Members of Congress, one from each party from each House. So it is designed to the degree we can to take politics out of the decision that will be reached.

In further contrast to other Government commissions, the Streamlining Commission is not only charged with identifying opportunities to eliminate Government waste, but it is also charged with generating the legislation to implement those findings. This process is designed to elicit input from a wide variety of sources both within and outside of the Government for the preparation of an initial report. That report is to be made publicly available for comment, suggestions, and proposed amendments from the White House, from Congress, from the public, from which a final report and legislation will be submitted to Congress. That legislation is then subject to fast-track procedures requiring prompt action by Congress.

To keep partisanship, local protectionism, and the panoply of political pressures out of the process, the final report cannot be amended and is subject to an all-or-nothing vote by Congress. I might say that I came upon this idea by seeing how successful Congress has been in eliminating military bases. We could not do it one at a time, but when we did it as a package, we were successful. In other words, once the Commission submits its proposed legislation, the Congress must vote for the full package or for none of the package.

It is my sense that the issue of excessive Government spending is broad based and involves a wide range of problems. It covers agencies, programs, and activities which are outdated and should be abolished; are duplicated by or similar to other programs that could be consolidated; are no longer meeting, have met, or never met their mandated or original purpose and should be abolished; are providing benefits similar to benefits provided through tax incentives or other legislation and could be managed through a single legislative initiative; are providing benefits which are the opposite of initiatives in other programs which should be coordinated with a single guiding policy; and are operating in a manner to benefit the services provider more than the intended beneficiary.

Certainly, this is not intended to be an exhaustive list. But it should be a good start. And to make sure the process continues to pursue Government efficiency on an ongoing basis, the Commission is required to issue a new report to each Congress while the Commission itself is to be reconstituted every 4 years.

The assistance of all Government departments and agencies will be sought. The Commission is authorized to staff its operation with detailees from those most likely to know about the internal operations of the Federal Government: the Office of Management and Budget and the General Accounting Office. If the report is approved by Congress, the OMB has the primary responsibility for implementing the recommendations.

Given the wide reach of so many Federal programs, the bill provides that the Commission may examine the delivery of Government services in regions, States, and localities to determine whether multiple Federal programs could be delivered more efficiently and in a manner that makes the Government work better for those citizens seeking services.

I believe that we all agree that the budget deficits must be controlled and that significant savings can accrue through efficiency. Therefore, this legislation is intended to divorce itself from as many political considerations as possible, so that each Member of Congress can act to reduce Federal spending without facing the pressure to protect specific constituencies. I urge my colleagues to join this bipartisan effort to make the Federal Government

more efficient, less costly, and more responsive to the American people.

Mr. President, I ask that an explanation of this legislation be printed following my remarks, and I now send forward a bill entitled as I have indicated.

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

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

SECTION 1. SHORT TITLE AND PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Federal Government Streamlining Act of 1992".

(b) PURPOSE.—The purpose of this Act is to identify Federal programs and agencies that are obsolete and should be eliminated or which are duplicative and should be consolidated with similar operations in other departments to promote efficiency in operation and uniformity of governmental action.

SEC. 2. THE COMMISSION.

(a) ESTABLISHMENT.—There is established an independent commission to be known as the "Federal Government Streamlining Commission".

(b) DUTIES.—The Commission shall carry out the duties specified for it in this Act.

(c) APPOINTMENT.—

(1) IN GENERAL.—(A) The Commission shall be composed of 12 members.

(B) Appointments to the Commission shall be made by no later than February 28, 1993.

(2) MEMBERSHIP.—(A) The President shall appoint 2 members of the Commission who are not employed by the Federal Government or elected to Federal office (referred to as "citizen members").

(B) The Speaker of the House of Representatives shall appoint 3 members, 2 of whom shall be citizen members and 1 of whom shall be a Member of the House of Representatives.

(C) The Majority Leader of the Senate shall appoint 3 members, 2 of whom shall be citizen members and 1 of whom shall be a Senator.

(D) The Minority Leader of the House of Representatives shall appoint 2 members, 1 of whom shall be a citizen member and 1 of whom shall be a Member of the House of Representatives.

(D) The Minority Leader of the Senate shall appoint 2 members, 1 of whom shall be a citizen member and 1 of whom shall be a Senator.

(3) CHAIRMAN.—The President shall designate 1 member of the Commission, after consultation with the Senate Majority Leader and the Speaker of the House of Representatives, who shall serve as Chairman of the Commission.

(d) TERMS.—The terms of the first members of the Commission shall begin on March 1, 1993. Each member of the Commission shall serve for 4 years.

(e) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet as necessary to carry out its responsibilities. The Commission may conduct meetings outside the District of Columbia when necessary.

(2) PUBLIC ACCESS.—The provisions of section 552b of title 5, United States Code, shall apply to meetings held by the Commission.

(f) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the original appointment, but the individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual's predecessor was appointed.

(g) PAY AND TRAVEL EXPENSES.—

(1) PAY.—(A) Each member, other than the Chairman and Members of Congress, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(B) The Chairman shall be paid for each day referred to in subparagraph (A) at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(2) TRAVEL EXPENSES.—Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(h) DIRECTOR OF STAFF.—

(1) IN GENERAL.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, appoint a Director who has not served in Congress or been employed by the executive branch during the 1-year period preceding the date of such appointment.

(2) PAY.—The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(i) STAFF.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Director, with the approval of the Commission, may appoint and fix the pay of additional personnel.

(2) APPOINTMENTS WITHOUT REGARD TO COMPETITIVE SERVICE LIMITS.—The Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of 120 percent of the rate of basic pay payable for GS-15 of the General Schedule.

(3) DETAILEES.—Upon request of the Director, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Commission to assist the Commission in carrying out its duties under this Act.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission with or without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(j) OTHER AUTHORITY.—

(1) INTERMITTENT SERVICES.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

(2) LEASING AND PERSONAL PROPERTY.—The Commission may lease space and acquire personal property to the extent funds are available.

(k) FUNDING.—There are authorized to be appropriated to the Commission such funds as are necessary to carry out its duties under this Act. Such funds shall remain available until expended.

(l) SUBSEQUENT COMMISSIONS.—New Commissions shall be appointed in the manner provided in subsection (c) by February 28th of each 4 year period beginning after February 28, 1992 and shall begin service on March 1st.

SEC. 3. DUTIES OF COMMISSION AND REPORT.

(a) DUTIES.—The Commission shall—

(1) identify Federal Government agencies and programs, including entitlement programs, which—

(A) are outdated;

(B) are not meeting their mandated or original purpose;

(C) have met their mandated or original purpose;

(D) are duplicated in different departments or agencies and could be combined or consolidated; and

(E) provide benefits identical or similar to benefits provided under the tax code or other legislation;

(2) make recommendations with respect to which—

(A) agencies and programs should be abolished or combined; and

(B) government services could be offered on a consolidated or one-stop shopping basis;

(3) separate recommendations into—

(A) short-term recommendations to be initiated or accomplished within 1 year indicating when such recommendations should be initiated and when such recommendations should be accomplished; and

(B) long-term recommendations to be initiated or accomplished beyond 1 year indicating when such recommendations should be initiated and when such recommendations should be accomplished; and

(4) prepare and transmit a report to the President and Congress no later than December 31 of each year which shall include—

(A) a description of the Commission's recommendations of agencies and programs to be terminated or to be combined into other programs and the reasons for such recommendations; and

(B) statutory language necessary to accomplish such terminations and combinations.

(b) ISSUES TO BE ADDRESSED.—The report required by subsection (a)(4) shall address the following issues:

(1) What programs, including entitlement programs, and agencies to abolish and when to terminate funding.

(2) What programs and agencies to combine, identify combined funding needs, when and how to adjust funding levels.

(3) Identify any necessary economic, environmental, and local community impact assistance for terminated programs and agencies.

(4) Proposed timing for implementation—when to begin, when to conclude, what governmental department is responsible for implementation.

(5) Government employment displacement and outplacement services that may be needed by dislocated employees.

(6) Identify agencies and programs which would operate more effectively in a new agency or program rather than being combined into an existing department or agency.

(c) DEPARTMENT AND AGENCY COOPERATION.—All Federal departments, agencies, and divisions and employees of all departments, agencies, and divisions shall cooperate fully with all requests for information from the Commission and shall respond to any such requests for information within 30 days or such other time agreed upon by the requesting and requested parties.

SEC. 4. PROCEDURE FOR IMPLEMENTATION OF REPORT.

(a) INITIAL REPORT AND APPEAL PROCEDURE.—The report required by section 3(a)(4)

shall be delivered to the President and Congress and made available to the public for 90 days after the date the plan is submitted. During the 90-day period, the Commission shall announce and hold public hearings for the purpose of receiving comments on the report and any amendments to the report.

(b) FINAL REPORT.—The Commission shall prepare and submit to the President a final report not later than 30 days after the conclusion of public hearings under subsection (a).

(c) REVIEW BY THE PRESIDENT.—

(1) IN GENERAL.—Not later than 10 days after receipt of the final report pursuant to subsection (b), the President shall approve or disapprove the report.

(2) APPROVAL.—If the report is approved the President shall submit the report to the Congress for approval under section 5.

(3) DISAPPROVAL.—If the President disapproves the final report, the President shall report specific issues and objections, including the reasons for any changes recommended in the report, to the Commission and the Congress.

(4) FINAL REPORT AFTER DISAPPROVAL.—The Commission shall consider any issues or objections raised by the President and may modify the report at its discretion based on such issues and objections. Not later than 30 days after receipt of the President's disapproval pursuant to paragraph (3), the Commission shall submit the final report (as modified if modified) to the Congress for approval pursuant to section 5.

SEC. 5. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT.

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

(1) the term "joint resolution" means only a joint resolution which is introduced within the 10-day period beginning on the date on which the President or the Commission transmits the report to the Congress under section 4(c) (2) or (3), and—

(A) which does not have a preamble;

(B) the matter after the resolving clause of which is as follows: "That Congress approves the recommendations of the Federal Government Streamlining Commission as submitted by the President on _____ as follows:", the blank space being filled in with the appropriate date and the matter after the colon being the report; and

(C) the title of which is as follows: "Joint resolution approving the report of the Federal Government Streamlining Commission."; and

(2) the term "session day" means a day that both the Senate and the House of Representatives are in session.

(b) REFERRAL.—A joint resolution described in subsection (a) that is introduced in the House of Representatives shall be referred to the Committee on Government Operations of the House of Representatives. A joint resolution described in subsection (a) introduced in the Senate shall be referred to the Committee on Governmental Affairs of the Senate.

(c) DISCHARGE.—If the committee to which a joint resolution described in subsection (a) is referred has not reported such joint resolution by the end of the 5-session day period beginning on the date of introduction of a joint resolution pursuant to subsection (a), such committee shall be, at the end of such period, discharged from further consideration of such joint resolution, and such joint resolution shall be placed on the appropriate calendar of the House involved.

(d) CONSIDERATION.—

(1) IN GENERAL.—On or after the third session day after the date on which the committee to which such a joint resolution is referred has reported, or has been discharged (under subsection (c)) from further consideration of, such a joint resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the joint resolution (but only on the day after the calendar day on which such Member announces to the House concerned the Member's intention to do so). All points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the joint resolution shall remain the unfinished business of the respective House until disposed of.

(2) DEBATE.—Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the Majority Leader and the Minority Leader or their designees. An amendment to the joint resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is not in order.

(3) FINAL PASSAGE.—Immediately following the conclusion of the debate on a joint resolution described in subsection (a) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the joint resolution shall occur.

(4) APPEALS FROM CHAIR.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

(e) CONSIDERATION BY OTHER HOUSE.—

(1) IN GENERAL.—If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

(A) The joint resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(ii) the vote on final passage shall be on the joint resolution of the other House.

(2) FINAL DISPOSITION.—Upon disposition of the joint resolution received from the other House, it shall no longer be in order to consider the joint resolution that originated in the receiving House.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 6. IMPLEMENTATION.

(a) RESPONSIBILITY FOR IMPLEMENTATION.—The Director of the Office of Management and Budget shall have primary responsibility for implementation of the Commission's report. The Director of the Office of Management and Budget shall notify and provide direction to heads of affected departments, agencies, and programs. The head of an affected department, agency, or program in which the program or agency is to be closed or consolidated shall be responsible for the act of implementation and shall proceed with the recommendations contained in the report as provided in subsection (b).

(b) DEPARTMENTS AND AGENCIES.—After the approval of the Commission's report under section 5, each affected Federal department and agency as a part of its annual budget request shall transmit to the appropriate committees of Congress its schedule of closures and combinations to be carried out under the Commission's report for the fiscal year for which the closure or combination is to be accomplished. In addition, the Secretary's report shall contain an estimate of the total expenditures required and the cost savings to be achieved by each closure along with the Secretary's assessment of the effect of the action. The report shall also include a report of the programs and agencies consolidated or transferred to another department as the result of the consolidations with an assessment of the effect of the action.

(c) GAO OVERSIGHT.—The Comptroller General shall have oversight responsibility over the implementation of the Commission's report. The Comptroller General shall periodically report to the Congress and the President regarding the accomplishment, the costs, the timetable, and the effectiveness of the implementation process.

SEC. 7. DISTRIBUTION OF ASSETS.

Any proceeds from the sale of assets of any department or agency pursuant to the report of the Commission shall be—

(1) applied to reduce the Federal deficit; and

(2) deposited in the Treasury and treated as general receipts.

FEDERAL GOVERNMENT STREAMLINING ACT OF 1992

PURPOSE

Senator Sanford's Federal Government Streamlining Act of 1992 was designed to identify and eliminate government waste that occurs through obsolete, duplicative, and unnecessary government programs and agencies. In contrast to most government commissions, the Federal Government Streamlining Commission established by this legislation is not only charged with identifying those programs, but it is also charged with issuing a report each Con-

gress—every two years—containing specific legislation to eliminate the waste it identifies. The bill also provides that the commissions findings are subject to "fast-track" procedures which require prompt action by Congress by an "all or nothing" vote without amendment on the entire package of proposed reforms.

The 12 member Commission is bipartisan and is to be reappointed every four years.

Sec. 1.—Title.

Sec. 2.—The Federal Government Streamlining Commission.

This section creates a 12 member bipartisan commission composed of appointees by the President and the Majority and Minority Leaders of the Senate and House, including two Senators and two Representatives. The Commission is authorized to employ a staff and to seek assistance and detailees from OMB and GAO. The Commission shall be reappointed every four years so that the process of fine tuning government programs will be an on-going endeavor.

Sec. 3.—Duties of the Commission.

The Commission will hold hearings and use other investigative measures, with the cooperation of federal agencies and departments, to identify federal government programs and agencies which are obsolete, duplicative, or not meeting their intended purpose. Programs to be examined would likely include those which are: Outdated or obsolete; duplicated; no longer meeting or have met their mandated or original purpose; providing benefits identical or similar to benefits provided through tax incentives or other legislation; or benefitting the provider rather than the intended beneficiary.

After identifying those programs and agencies, the Commission is to submit one report for each Congress—or one report every two years—to the President and the Congress recommending the abolition or consolidation of various programs and agencies no longer meeting their legislated objectives.

Sec. 4.—Implementation of the Commission Report.

The initial report is to be submitted to the President and the Congress for a 90-day review period during which public hearings can be held for the purpose of receiving comment and proposed amendments to the report. After receiving comment from the President, the Congress, and the public, the Commission is to prepare a final report, including legislative language and action to be undertaken, for submission to Congress.

Sec. 5.—Congressional Consideration of the Commission Report.

The Commission's report shall be referred to the Government Affairs Committee which will have jurisdiction over the legislation and the report. Legislation implementing the report will be handled on a legislative "fast-track" under which Congress can only vote for or against the entire report without amendment.

Sec. 6.—Implementation.

If the report is approved by Congress, the OMB has primary responsibility for implementing the report. The GAO shall serve in an oversight function.

Mr. KERREY. Mr. President, I came to talk about another subject, obviously, but I listened to the Senator from North Carolina. I ask if it is possible to join as an original cosponsor of the legislation he just introduced.

Mr. SANFORD. Mr. President, I would certainly be highly pleased and honored to add the distinguished Senator from Nebraska as an original cosponsor.

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

Mr. KERREY. Mr. President, I spent a fair amount of time as well examining this question, not just of Government inefficiency and waste at the Federal level, but the entire question of how our Federal Government is organized. We see almost daily instances where the Federal Government simply cannot do what the people would actually like it to do, let alone finding where it is doing something the people do not want it to do. There are instances every single day where the people actually wanted to do something and the Federal Government is incapable of doing it.

Yesterday, the administration sent, I must say, a rather pathetic proposal called the Freedom Support Act, with the President responding, regarding the electoral victory of the distinguished occupant of the chair, and he backed off of foreign policy last fall and came quickly after President Nixon got talking about losing Russia with the proposal that would be heard by six different committees of the Senate. The reason six different committees will hear it in the Senate is that there are six different Federal agencies that will have their hands on this proposal.

My guess, Mr. President, will be that we will be unable to produce a package of assistance to the Commonwealth of Independent States precisely because of what the distinguished Senator from North Carolina is describing.

There are 22 different Federal agencies with real responsibility over America's children.

I would argue that there is no greater problem in America than the status of America's children and our Federal Government struggling to organize itself in a fashion to be able to respond to the problem.

There are four Federal agencies that have real authority over America's wetlands and the regulation of them, and they work together to try to accomplish the regulatory objective and are struggling to get the job done.

It would not be difficult to add to this list. It might be difficult to maintain my friendship with the distinguished Senator from Colorado, who allowed me to speak a couple minutes, if I continue.

I say the problem that the distinguished Senator from North Carolina is addressing with this legislation is an urgent problem that we need to solve if we are going to be able to say to the people of this country we got this Federal Government organized so it can actually do what you want it to do.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2671. A bill to amend title 23, United States Code, to make technical corrections; to the Committee on Environment and Public Works.

UNITED STATES CODE TECHNICAL CORRECTIONS

Mr. GRAHAM. Mr. President, we have heard statements this morning of interest to many Americans, from the protection of our planet from global warming to the impacts of the failure to do so on this and future generations of inhabitants of the Earth, and the U.S. responsibilities around the world in this post cold-war era. These are extremely important issues appropriate to be discussed in the Senate.

The subject that I wish to bring to the attention of the Senate and introduce legislation upon relates to an issue that probably is near the top of the agenda of most American families, and that is jobs and the economic future of those families.

Mr. President, I am concerned that we have been in session since January, it now being May 7, and have yet to address in any systemic, comprehensive way what the Federal Government's response will be to the immediate economic recession and to rebuilding an American economy that will be competitive into the 21st century. A principal reason for this has been political and intellectual gridlock; political gridlock in the inability of the Congress and the President to agree on a strategy, an intellectual gridlock in that the discussion to date has focused on largely a single method of implementing that strategy, changes in the Tax Code.

It is my feeling that an economic recovery strategy to give some greater momentum to the anemic recovery that we are now experiencing from the recession and to contribute to a better long-term future must include many elements beyond just a tax bill as important as that might be—issues of how do we encourage greater access to capital. Our financial institutions in many places are not functioning as they had been intended to provide capital, particularly to small business, to housing, to other areas of the economy that have been the engines out of which we have emerged from past recessions.

Another area that I wish to speak to in more detail has been how do we utilize both existing and future public activities as a means of stimulating the economy? One of the most effective ways of generating jobs on an immediate basis is by accelerating currently authorized and funded highway maintenance and construction projects. The Federal Highway Administration estimates that for every additional $1 billion spent on highways, over 60,000 jobs in construction, construction supply, and induced employment are created.

On January 23, I introduced legislation, Mr. President, to accelerate spending under the newly enacted Intermodal Surface Transportation Efficiency Act of 1991. That bill would have increased obligations ceilings in the first 3 years of the legislation—that is, 1992 to 1994—by $2.3 billion in order to give some additional stimulus.

As you will recall, Mr. President, during the time that we were debating the tax bill there were proposals made to go beyond those limits in terms of attempting to provide additional spending on authorized projects during these years of the recession so that the Federal Government's public works program could play the most constructive role in moving us into a strong recovery.

Mr. President, speeding up surface transportation spending can be done through the method of increasing the annual obligation ceilings on spending set by the appropriations process. But I would like to bring to the attention of the Senate another way which prior to this year had been widely used to accelerate highway projects. That is, to authorize States to start work before Federal funding becomes available. This is an activity which has been known as advanced construction.

This provision has been included in Federal highway authorizations since the Federal Aid Highway Act of 1956. By oversight, advanced construction was omitted from the 1991 act.

States use their transportation funds to pay for initial outlays. When Federal funds become available the projects are converted to Federal funds and the States are reimbursed. Outlays are normally minimal during the first 4 to 6 months after a project has been let to contract. Thus with advanced construction, States can accelerate large volumes of projects—up to one-third annual program level—with relatively small investments of State funds. By revolving projects using advanced construction, States can continuously accelerate Federal highway projects.

For the Nation this legislation means that the economy will be stimulated and jobs created. Furthermore, it means that transportation systems will be built sooner and at a lower cost because State agencies will be able to take advantage of current low bids and inflation savings.

To use the specific example of my State of Florida, this legislation allows the State to continue to assume the level of advance construction already calculated into the 5-year work plan, and, as a result, assure that millions of dollars of projects will remain on schedule.

In the past, Florida has used advance construction category funding to fund such projects as the construction of an interchange on Interstate 595 in Broward County, which utilized over $36 million of advance construction funds; the resurfacing resulting from the bridge-widening project on Interstate 195 between Biscayne Bay and Alton Road in Dade County, utilizing almost $18 million in advance construction funds; and the addition and resurfacing of lanes on U.S. 19 in Pinellas County from south of Cross Bayou to north of 126th Avenue, expending almost $11 million in funds.

The proposal which I make today, Mr. President, will also allow for an initiative which is underway in many States including Florida to stimulate activity during this period of recession recovery. In Florida, Gov. Lawton Chiles and I have implemented a program called Jobs Florida. The Florida Secretary of Transportation, Mr. Ben Watts, has provided a list of 20 projects, amounting to $200 million, that will face delay without the enactment of this bill; $200 million in highway and bridge projects translates into over 12,000 jobs.

Secretary Watts, in a letter which I will later ask be included in the RECORD, explains that obtaining this capability will not only prevent these costly delays, but will also enable the department to accelerate some projects, such as the $32 million project on MacArthur Causeway in Miami from 1995 to 1992 fiscal year.

Mr. President, I hope my colleagues agree that this technical correction is an important contribution to what the Federal Government can do to accelerate economic activity at this time. It has been described by the experts in the Federal Highway Administration as fundamental to the workings of a shared Federal-State and local transportation plan.

This legislation is an essential component of a plan to revitalize our economy by creating jobs today, and a better transportation system in the future.

Mr. President, I send to the desk a bill and ask for its immediate referral to the appropriate committee. The bill is introduced with my colleague, Senator MACK.

I ask unanimous consent to enter into the RECORD a letter dated January 10, 1992, from Mr. T.D. Larson, Administrator of the Federal Highway Administration.

Finally, I ask unanimous consent to insert in the RECORD a list of Florida surface transportation projects which would benefit should this legislation be enacted.

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

FLORIDA SURFACE TRANSPORTATION PROJECTS DEPENDENT UPON "AC" ELIGIBILITY

Item No., location, and description	Fiscal year	Amount (millions)
1110153, Charlotte Co.: U.S. 41 from Peace River to West Tarpon Blvd. Add lanes and resurface	1992–93	$7.7
1114427, Lee Co.: SR 78 (Pine Island Rd.) from Del Prado Blvd. to .5 miles west of U.S. 41. Multilane reconst	1994–95	3.8
1114565, Lee Co.: U.S. 41 Bus. (SR 739) from S. of SR 82 to 1st. St. Add lanes and resurface	1992–93	4.6
1114604, Lee Co.: SR 78 (Pine Island Rd.) from Tamiami Trail (U.S. 41) to .2 Mi. E. of Piney St. Multilane reconst	1994–95	11.3
1114607, Lee Co.: U.S. 41 from Victoria Ave. to N. of 1st. Street. Interchange construction	1996–97	10.6
1114620, Lee Co.: U.S. 41 from Island Park Rd. to S. of Daniels Pkwy. Add lanes and resurface	1993–94	3.5

FLORIDA SURFACE TRANSPORTATION PROJECTS DEPENDENT UPON "AC" ELIGIBILITY—Continued

Item No., location, and description	Fiscal year	Amount (millions)
1114634, Lee Co.: SR 867 (McGregor Bl.) from San Carlos (SR 865) to Southdale Dr. Multilane reconst	1996–97	5.2
1115380, Manatee Co.: SR 684 (Cortez Rd.) from 119th St. to Independence Dr. Multilane reconst	1992–93	3.7
1115439, Manatee Co.: SR 70 (53rd. Ave.) from SR 683 (Old U.S. 301) to W. of U.S. 301. ROW acquisition	1992–93	5.1
1117934, Polk Co.: U.S. 17 from .4 Mi. S. of SR 655 to Cypress Gardens (SR 540). Multilane reconst	1991–92	7.7
1119224, Sarasota Co.: SR 72 (Clark Rd.) from Tamiami Trail (U.S. 41) to Sawyer Road. Multilane reconst	1992–93	7.2
1119262, Sarasota Co.: SR 776 from Keyway Road to S. of U.S. 41. Multilane reconst	1993–94	8.5
3111827, Escambia Co.: SR 742 (Creighton Rd.) from SR 291 (Davis Hwy.) to SR 289 (9th). Multilane reconst	1992–93	7.6
3118047, Santa Rosa Co.: U.S. 98 (SR 30) from Pensacola Bay Br. to Pav't change a 14.04. Resurface and repave	1992–93	6.1
4110332, Broward Co.: SR 810 (Hillsborough Blvd.) from SR 7/441 to SR 845 (Powerline Rd.). Add lanes and reconst	1993–94	4.9
4116211, Martin Co.: SR 76 (Kanner Hwy.) from 3 mi. E. of 710 to Fla. Turnpike. Add lanes and reconst	1992–93	4.5
4116280, Martin Co.: SR 710 from Okeechobee County line to Hale Dairy Rd. Add lanes and reconst	1992–93	4.3
5112835, Lake Co.: SR 25 (U.S. 27) from Polk County line to .2 mi. N. of SR 50. Resurfacing	1993–94	6.2
6113652, Dade Co.: SR A1A (MacArthur Causeway over Intercoastal Waterway) construct high-level bridge	1995–96	31.9
7113811, Hillsborough Co.: SR 580 (Hills Ave.) from Pinellas County line to E. Double Branch Rd. Multilane reconst	1994–95	5.3
Other STP projects throughout the state contingent upon AC eligibility		56.5
Total		206.30

DEPARTMENT OF TRANSPORTATION,
FEDERAL HIGHWAY ADMINISTRATION,
Washington, DC, January 10, 1992.

Mr. BEN G. WATTS,
Secretary, Florida Department of Transportation, Tallahassee, FL.

DEAR MR. WATTS: From recent contacts with members of your staff, we have learned of your concern about the lack of a provision revising Section 115 of Title 23, United States Code ("Advance construction") in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991. I understand your concern because the lack of a revision creates uncertainty for your efforts to prepare a long-range transportation plan that would include Advance Construction.

The ISTEA is a comprehensive, landmark restructuring of the Federal-aid highway program. However, in developing the legislation, the Congress neglected to amend Section 115 so authorization for Advance Construction would conform with the revised program structure. We believe this was an oversight, and are preparing technical amendments, at the request of the appropriate congressional committees, suggesting how they might correct Section 115, as well as several other provisions that were overlooked during development of the ISTEA.

We cannot guarantee that our technical amendments to the ISTEA will be passed, but we will make every effort to clarify this very important provision to the highway program.

Sincerely yours,

T.D. LARSON,
Administrator.

The PRESIDING OFFICER. The bill will be referred to the appropriate committee.

By Mr. DOLE (for himself and Mr. SIMPSON):

S. 2672. A bill to amend title 38, United States Code, to improve benefits in certain education and employment programs for veterans, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' EDUCATION AND EMPLOYMENT PROGRAM BENEFITS

Mr. DOLE. Mr. President, today on behalf of myself and my distinguished colleague, Senator SIMPSON, I am introducing a bill to improve veterans benefits in education and employment programs. This veterans bill will focus on the Americans most affected by the projected defense manpower reductions. I am especially pleased that after consultation with Representative MONTGOMERY, he will be introducing a companion measure of this bill in the House.

This legislation is a comprehensive bill designed to afford a wide range of opportunities for veterans—it will increase the Montgomery GI bill benefits to those who need it now; it will increase the transition assistance programs for those who will soon be in the civilian job market; it will create a new veterans job training act, and give preference to veterans in the Job Training Partnership Program; and it will allow qualified veterans a greater opportunity to purchase a home.

Mr. President, since 1973, the U.S. armed services have been All-Volunteer Forces. All agree that the quality of the men and women who make up this force is as high as our Nation has ever seen. Their quality, and their sacrifice was a major factor in our victory in the cold war. It can even be argued that their outstanding performance of duty has now ended their careers. For with the end of the cold war, the Department of Defense projects a manpower reduction of over 20 percent through 1995. Many of these men and women will be involuntarily separated from the careers they have chosen. They will not get the benefits of a 20-year career retiree. The reductions will be especially hard on those who have given 10 to 15 years of their lives to our nation. I believe that it is also important to note that the U.S. military has a higher proportion of minorities and women in management positions than any other large organization in the Nation, and the projected reductions will shrink opportunities for them significantly.

In my view, it is in the national interest that these men and women use their talents and leadership skills in the private sector. It is in the national interest that these disciplined, responsible technicians and managers be provided with the opportunity for private sector employment as quickly as possible. These men and women are producers; they don't want handouts, they want a chance.

One of their top priorities is educational opportunities. The Montgomery GI bill has been successful at fulfilling that priority since its inception in 1984. But with the projected force reductions, many men and women with families to support—who had never planned to leave their chosen careers—are not in a position to return to school on the current GI bill. An increase in the Montgomery GI bill benefits is necessary. This legislation provides that increase in an affordable manner.

One of the most successful first steps in moving from the military to the private sector has been the transition assistance programs for active duty personnel. This program helps those soon to leave the service with counseling on job search and employment skills for the private sector. This legislation will expand this program through 1995 to meet the increased demands that the force reductions will have on it.

For those veterans who want immediate employment, this legislation will create a new Veterans Job Training Act and give veterans preference in the Job Training Partnership Act. These programs give employers incentives to hire veterans. They will open opportunities for veterans to receive job training as they transition their military expertise into the private sector.

Finally, many veterans are returning from all over the world; they never had the opportunity to own their own homes. This legislation will waive the VA home loan origination fee to qualified veterans involuntarily separated from active duty.

Mr. President, it is vital to remember that before the men and women of the armed services can have a chance in the private sector, we must have a strong economy. All legislation must offer opportunities that are within the fiscal constraints that we face today. In my view, this bill meets that criterion: It is necessary, it is feasible, and it is affordable.

Our Nation faces a future of dynamic change domestically and great challenges internationally. I believe that veterans have much to offer this future. Fiscally sound programs established now will ensure that the men and women of our Nation's armed services contribute to building a better Nation with the same patriotism and spirit that they gave in defending it.

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. 2672

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

SECTION 1. INCREASE IN BENEFITS UNDER THE MONTGOMERY GI BILL.

(a) AMOUNT OF BENEFIT PAYMENTS UNDER CHAPTER 30.—Section 3015 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking out "$300" and inserting in lieu thereof "$500"; and

(2) in subsection (b)(1), by striking out "$250" and inserting in lieu thereof "$400".

(b) AMOUNT OF BENEFIT PAYMENTS UNDER SELECTED RESERVE PROGRAM.—Section 2131(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking out "$140" and inserting in lieu thereof "$200";

(2) in subparagraph (B), by striking out "$105" and inserting in lieu thereof "$150"; and

(3) in subparagraph (C), by striking out "$70" and inserting in lieu thereof "$100".

(c) CONFORMING AMENDMENTS TO CHAPTER 30.—Subsection (f) of section 3015 of title 38, United States Code, is amended—

(1) by striking out paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(2) in paragraph (1), as amended by paragraph (1) of this subsection—

(A) by striking out "continue to pay" and all that follows through "may"; and

(B) by striking out "such rates" and inserting in lieu thereof "the monthly rates payable under subsections (a)(1) and (b)(1) of this section"; and

(3) in paragraph (2), as amended by paragraph (1) of this subsection—

(A) by striking out "continue to pay" and all that follows through "such fiscal year," and inserting in lieu thereof "provide for"; and

(B) by striking out "such rates" and inserting in lieu thereof "the monthly rates payable under subsections (a)(1) and (b)(1) of this section".

(d) CONFORMING AMENDMENTS TO SELECTED RESERVE PROGRAM.—Paragraph (2) of section 2131(b) of title 10, United States Code, is amended—

(1) by striking out subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(2) in subparagraph (A), as amended by paragraph (1) of this subsection—

(A) by striking out "continue to pay" and all that follows through "may"; and

(B) by striking out "such rates" and inserting in lieu thereof "the monthly rates payable under subparagraphs (A), (B), and (C) of paragraph (1)"; and

(3) in subparagraph (B), as amended by paragraph (1) of this subsection—

(A) by striking out "continue to pay" and all that follows through "such fiscal year," and inserting in lieu thereof "provide for"; and

(B) by striking out "such rates" and inserting in lieu thereof "the monthly rates payable under subparagraphs (A), (B), and (C) of paragraph (1)".

(e) FUNDING ACCOUNTS.—Those amounts that before the date of enactment of this Act are required to be paid from the Defense Cooperation Account pursuant to part G of title III of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (105 Stat. 99) for educational assistance benefits under chapter 30 of title 38, United States Code, and chapter 106 of title 10, United States Code, shall continue to be paid from the Defense Cooperation Account after the date of enactment of this Act in accordance with such part G, notwithstanding the amendments made by this section.

SEC. 2. EMPLOYMENT AND JOB TRAINING ASSISTANCE AND OTHER TRANSITIONAL SERVICES.

(a) DEPARTMENT OF LABOR.—Paragraph (1) of section 1144(e) of title 10, United States Code, is amended—

(1) by striking out "1991 and" and inserting in lieu thereof "1991,";

(2) by striking out "$9,000,000" and inserting in lieu thereof "$15,000,000"; and

(3) by inserting before the period at the end thereof the following: ", and $10,000,000 for each of fiscal years 1994 and 1995".

(b) DEPARTMENT OF VETERANS AFFAIRS.—Paragraph (2) of such section is amended—

(1) by striking out "1991 and" and inserting in lieu thereof "1991,"; and

(2) by inserting before the period at the end thereof the following: ", and $4,500,000 for each of fiscal years 1994 and 1995".

SEC. 3. VETERANS' JOB TRAINING.

(a) IN GENERAL.—Title 38, United States Code, is amended by inserting after chapter 43 the following new chapter:

"CHAPTER 44—VETERANS' JOB TRAINING

"Sec.
"4401. Establishment of program.
"4402. Eligibility for program; duration of assistance.
"4403. Employer job training programs.
"4404. Approval of employer programs.
"4405. Payments to employers; overpayments.
"4406. Entry into program of job training.
"4407. Provision of training through educational institutions.
"4408. Discontinuance of approval of participation in certain employer programs.
"4409. Inspection of records; investigations.
"4410. Coordination with other programs.
"4411. Counseling.
"4412. Information and outreach; use of agency resources.
"4413. Authorization of appropriations.
"4414. Time periods for application and initiation of training.

"§ 4401. Establishment of program

"(a) The Secretary and, to the extent specifically provided by this Act, the Secretary of Labor shall carry out a program in accordance with this chapter to assist eligible veterans in obtaining employment through training for employment in stable and permanent positions that involve significant training. The program shall be carried out through payments to employers who employ and train eligible veterans in such jobs in order to assist such employers in defraying the costs of necessary training.

"(b) The Secretary of Labor shall carry out the Secretary's responsibilities under this chapter through the Assistant Secretary of Labor for Veterans' Employment and Training established under section 4102A of this title.

"§ 4402. Eligibility for program; duration of assistance

"(a)(1) To be eligible for participation in a job training program under this chapter, a veteran must be a veteran described in paragraph (2) who—

"(A) is unemployed at the time of applying for participation in a program under this chapter;

"(B) has been unemployed for at least 10 of the 15 weeks immediately preceding the date of such veteran's application for participation in a program under this chapter; and

"(C) submits an application under subsection (b) during the period ending four years after the date of the last discharge or the date of enactment of this chapter, whichever is later.

"(2) A veteran eligible to participate in a job training program under paragraph (1) is any veteran who was discharged on or after August 2, 1990, and—

"(A) served in the active military, naval, or air service for a period of more than 90 days; or

"(B)(i) served in the active military, naval, or air service and is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under the laws administered by the Secretary for a disability rated at 30 percent or more; or

"(ii) was discharged or released from active duty because of a service-connected disability.

"(3) For purposes of paragraph (1), a veteran shall be considered to be unemployed during any period the veteran is without a job and wants and is available for work.

"(b)(1) A veteran who desires to participate in a program of job training under this chapter shall submit to the Secretary an application for participation in such a program. Such an application—

"(A) shall include a certification by the veteran that the veteran is unemployed and meets the other criteria for eligibility prescribed by subsection (a); and

"(B) shall be in such form and contain such additional information as the Secretary may prescribe.

"(2)(A) Subject to subparagraph (B), the Secretary shall approve an application by a veteran for participation in a program of job training under this chapter unless the Secretary finds that the veteran is not eligible to participate in a program of job training under this chapter.

"(B) The Secretary may withhold approval of an application of a veteran under this chapter if the Secretary determines that, because of limited funds available for the purpose of making payments to employers under this chapter, it is necessary to limit the number of participants in programs under this chapter.

"(3)(A) Subject to section 4411(c) of this title, the Secretary shall certify as eligible for participation under this chapter a veteran whose application is approved under this subsection and shall furnish the veteran with a certificate of that veteran's eligibility for presentation to an employer offering a program of job training under this chapter. Any such certificate shall expire 90 days after it is furnished to the veteran. The date on which a certificate is furnished to a veteran under this paragraph shall be stated on the certificate.

"(B) A certificate furnished under this paragraph may, upon the veteran's application, be renewed in accordance with the terms and conditions of subparagraph (A).

"(c) The maximum period of training for which assistance may be provided on behalf of a veteran under this chapter is—

"(1) 21 months in the case of—

"(A) a veteran with a service-connected disability rated at 30 percent or more; or

"(B) a veteran with a service-connected disability rated at 10 percent or 20 percent who has been determined under section 3106 of this title to have a serious employment handicap; and

"(2) 15 months in the case of any other veteran.

"§ 4403. Employer job training programs

"(a)(1) Except as provided in paragraph (2), in order to be approved as a program of job training under this chapter, a program of job training of an employer approved under section 4404 of this title must provide training for a period of not less than 12 months in an occupation in a growth industry or in an occupation requiring the use of new technological skills.

"(2) A program of job training providing training for a period of at least 6 months may be approved if the Secretary determines (in accordance with standards which the Secretary shall prescribe) that the purpose of this chapter would be met through that program.

"(b) Subject to section 4407 of this title and the other provisions of this chapter, a veteran who has been approved for participation in a program of job training under this chapter and has a current certificate of eligibility for such participation may enter a program of job training that has been approved under section 4404 of this title and that is offered to the veteran by the employer.

"§ 4404. Approval of employer programs

"(a)(1) An employer may be paid assistance under section 4405(a) of this title on behalf of an eligible veteran employed by such employer and participating in a program of job training offered by that employer only if the program is approved under this section and in accordance with such procedures as the Secretary may by regulation prescribe.

"(2) Except as provided in subsection (b), the Secretary shall approve a proposed program of job training of an employer unless the Secretary determines that the application does not contain a certification and other information meeting the requirements established under this chapter or that withholding of approval is warranted under subsection (g).

"(b) The Secretary may not approve a program of job training—

"(1) for employment which consists of seasonal, intermittent, or temporary jobs;

"(2) for employment under which commissions are the primary source of income;

"(3) for employment which involves political or religious activities;

"(4) for employment with any department, agency, instrumentality, or branch of the Federal Government (including the United States Postal Service and the Postal Rate Commission); or

"(5) if the training will not be carried out in a State.

"(c) An employer offering a program of job training that the employer desires to have approved for the purposes of this chapter shall submit to the Secretary a written application for such approval. Such application shall be in such form as the Secretary shall prescribe.

"(d) An application under subsection (c) shall include a certification by the employer of the following:

"(1) That the employer is planning that, upon a veteran's completion of the program of job training, the employer will employ the veteran in a position for which the veteran has been trained and that the employer expects that such a position will be available on a stable and permanent basis to the veteran at the end of the training period.

"(2) That the wages and benefits to be paid to a veteran participating in the employer's program of job training will be not less than the wages and benefits normally paid to other employees participating in a comparable program of job training.

"(3) That the employment of a veteran under the program—

"(A) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits); and

"(B) will not be in a job (i) while any other individual is on layoff from the same or any substantially equivalent job, or (ii) the opening for which was created as a result of the employer having terminated the employment of any regular employee or otherwise having reduced its work force with the intention of hiring a veteran in such job under this chapter.

"(4) That the employer will not employ in the program of job training a veteran who is already qualified by training and experience for the job for which training is to be provided.

"(5) That the job which is the objective of the training program is one that involves significant training.

"(6) That the training content of the program is adequate, in light of the nature of the occupation for which training is to be provided and of comparable training opportunities in such occupation, to accomplish the training objective certified under paragraph (2) of subsection (e).

"(7) That each participating veteran will be employed full time in the program of job training.

"(8) That the training period under the proposed program is not longer than the training periods that employers in the community customarily require new employees to complete in order to become competent in the occupation or job for which training is to be provided.

"(9) That there are in the training establishment or place of employment such space, equipment, instructional material, and instructor personnel as needed to accomplish the training objective certified under subsection (e)(2).

"(10) That the employer will keep records adequate to show the progress made by each veteran participating in the program and otherwise to demonstrate compliance with the requirements established under this chapter.

"(11) That the employer will furnish each participating veteran, before the veteran's entry into training, with a copy of the employer's certification under this subsection and will obtain and retain the veteran's signed acknowledgment of having received such certification.

"(12) That, as applicable, the employer will provide each participating veteran with the full opportunity to participate in a personal interview pursuant to section 4411(b)(1)(B) of this title during the veteran's normal workday.

"(13) That the program meets such other criteria as the Secretary may determine are essential for the effective implementation of the program established by this chapter.

"(e) A certification under subsection (d) shall include—

"(1) a statement indicating (A) the total number of hours of participation in the program of job training to be offered a veteran, (B) the length of the program of job training, and (C) the starting rate of wages to be paid to a participant in the program; and

"(2) a description of the training content of the program (including any agreement the employer has entered into with an educational institution under section 4407 of this title) and of the objective of the training.

"(f)(1) Except as specified in paragraph (2), each matter required to be certified to in paragraphs (1) through (11) of subsection (d) shall be considered to be a requirement established under this chapter.

"(2)(A) For the purposes of section 4405(c) of this title, only matters required to be certified in paragraphs (1) through (10) of subsection (d) shall be so considered.

"(B) For the purposes of section 4408 of this title, a matter required to be certified under paragraph (12) of subsection (d) shall also be so considered.

"(g) In accordance with regulations which the Secretary shall prescribe, the Secretary may withhold approval of an employer's proposed program of job training pending the outcome of an investigation under section 4409 of this title and, based on the outcome of such an investigation, may disapprove such program.

"(h) For the purposes of this section, approval of a program of apprenticeship or other on-job training for the purposes of section 3687 of this title shall be considered to meet all requirements established under the provisions of this chapter (other than subsection (b) and (d)(3)) for approval of a program of job training.

"§ 4405. Payments to employers; overpayment

"(a)(1) Except as provided in paragraph (3) and subsection (b) and subject to the provisions of section 4406 of this title, the Secretary shall make quarterly payments to an employer of a veteran participating in an approved program of job training under this chapter. Subject to paragraph (2) and section 4402(c) of this title, the amount paid to an employer on behalf of a veteran for any period of time shall be 50 percent of the product of (A) the starting hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay), and (B) the number of hours worked by the veteran during that period.

"(2) The total amount that may be paid to an employer on behalf of a veteran participating in a program of job training under this chapter is $12,000.

"(3) In order to relieve financial burdens on business enterprises with relatively few numbers of employees, the Secretary may make payments under this chapter on a monthly, rather than quarterly, basis to an employer with a number of employees less than a number which shall be specified in regulations which the Secretary shall prescribe for the purposes of this paragraph.

"(b)(1) Payment may not be made to an employer for a period of training under this chapter on behalf of a veteran until the Secretary has received—

"(A) from the veteran, a certification that the veteran was employed full time by the employer in a program of job training during such period; and

"(B) from the employer, a certification—

"(i) that the veteran was employed by the employer during that period and that the veteran's performance and progress during such period were satisfactory; and

"(ii) of the number of hours worked by the veteran during that period.

With respect to the first such certification by an employer with respect to a veteran, the certification shall indicate the date on which the employment of the veteran began and the starting hourly rate of wages paid to the veteran (without regard to overtime or premium pay).

"(2) Payment may not be made to an employer for a period of training under this chapter on behalf of a veteran for which a request for payment is made to the Secretary after two years after the date on which that period of training ends.

"(c)(1)(A) Whenever the Secretary finds that an overpayment under this chapter has been made to an employer on behalf of a veteran as a result of a certification, or information contained in an application, submitted by an employer which was false in any material respect, the amount of such overpayment shall constitute a liability of the employer to the United States.

"(B) Whenever the Secretary finds that an employer has failed in any substantial respect to comply for a period of time with a requirement established under this chapter (unless the employer's failure is the result of false or incomplete information provided by the veteran), each amount paid to the employer on behalf of a veteran for that period shall be considered to be an overpayment under this chapter, and the amount of such overpayment shall constitute a liability of the employer to the United States.

"(2) Whenever the Secretary finds that an overpayment under this chapter has been made to an employer on behalf of a veteran as a result of a certification by the veteran, or as a result of information provided to an employer or contained in an application submitted by the veteran, which was willfully or negligently false in any material respect, the amount of such overpayment shall constitute a liability of the veteran to the United States.

"(3) Any overpayment referred to in paragraph (1) or (2) may be recovered in the same manner as any other debt due the United States. Any overpayment recovered shall be credited to funds available to make payments under this chapter. If there are no such funds, any overpayment recovered shall be deposited into the Treasury.

"(4) Any overpayment referred to in paragraph (1) or (2) may be waived, in whole or in part, in accordance with the terms and conditions set forth in section 5302 of this title.

"§ 4406. Entry into program of job training

"Notwithstanding any other provision of this chapter, the Secretary may withhold or deny approval of a veteran's entry into an approved program of job training if the Secretary determines that funds are not available to make payments under this chapter on behalf of the veteran to the employer offering that program. Before the entry of a veteran into an approved program of job training of an employer for purposes of assistance under this chapter, the employer shall notify the Secretary of the employer's intention to employ that veteran. The veteran may begin such program of job training with the employer two weeks after the notice is transmitted to the Secretary unless within that time the employer has received notice from the Secretary that approval of the veteran's entry into that program of job training must be withheld or denied in accordance with this section.

"§ 4407. Provision of training through educational institutions

"An employer may enter into an agreement with an educational institution that has been approved for the enrollment of veterans under this title in order that such institution may provide a program of job training (or a portion of such a program) under this chapter. When such an agreement has been entered into, the application of the employer under section 4404 of this title shall so state and shall include a description of the training to be provided under the agreement.

"§ 4408. Discontinuance of approval of participation in certain employer programs

"(a) If the Secretary finds at any time that a program of job training previously approved by the Secretary for the purposes of this chapter thereafter fails to meet any of the requirements established under this chapter, the Secretary may immediately dis-

approve further participation by veterans in that program. The Secretary shall provide to the employer concerned, and to each veteran participating in the employer's program, a statement of the reasons for, and an opportunity for a hearing with respect to, such disapproval. The employer and each such veteran shall be notified of such disapproval, the reasons for such disapproval, and the opportunity for a hearing. Notification shall be by a certified or registered letter, and a return receipt shall be secured.

"(b)(1) If the Secretary determines that the rate of veterans' successful completion of an employer's programs of job training previously approved by the Secretary for the purposes of this chapter is disproportionately low because of deficiencies in the quality of such programs, the Secretary shall disapprove participation in such programs on the part of veterans who had not begun such participation on the date that the employer is notified of the disapproval. In determining whether any such rate is disproportionately low because of such deficiencies, the Secretary shall take into account appropriate data, including—

"(A) the quarterly data provided by the Secretary of Labor with respect to the number of veterans who receive counseling in connection with training under this chapter, are referred to employers under this chapter, participate in job training under this chapter, and complete such training or do not complete such training, and the reasons for noncompletion; and

"(B) data compiled through the particular employer's compliance surveys.

"(2) With respect to a disapproval under paragraph (1), the Secretary shall provide to the employer concerned the kind of statement, opportunity for hearing, and notice described in subsection (a).

"(3) A disapproval under paragraph (1) shall remain in effect until such time as the Secretary determines that adequate remedial action has been taken.

"§ 4409. Inspection of records; investigations

"(a) The records and accounts of employers pertaining to veterans on behalf of whom assistance has been paid under this chapter, as well as other records that the Secretary determines to be necessary to ascertain compliance with the requirements established under this chapter, shall be available at reasonable times for examination by authorized representatives of the Federal Government.

"(b) The Secretary may monitor employers and veterans participating in programs of job training under this chapter to determine compliance with the requirements established under this chapter.

"(c) The Secretary may investigate any matter the Secretary considers necessary to determine compliance with the requirements established under this chapter. The investigations authorized by this subsection may include examining records (including making certified copies of records), questioning employees, and entering into any premises or onto any site where any part of a program of job training is conducted under this chapter, or where any of the records of the employer offering or providing such program are kept.

"(d) The Secretary may administer functions under subsections (b) and (c) in accordance with an agreement between the Secretary and the Secretary of Labor providing for the administration of such subsections (or any portion of such subsections) by the Department of Labor. Under such an agreement, any entity of the Department of Labor specified in the agreement may administer such subsections, notwithstanding section 4401(b) of this title.

"§ 4410. Coordination with other programs

"(a)(1) Assistance may not be paid under this chapter to an employer on behalf of a veteran for any period of time described in paragraph (2) and to such veteran under chapter 30, 31, 32, 35, or 36 of this title, or chapter 106 of title 10, for the same period of time.

"(2) A period of time referred to in paragraph (1) is the period of time beginning on the date on which the veteran enters into an approved program of job training of an employer for purposes of assistance under this chapter and ending on the last date for which such assistance is payable.

"(b) Assistance may not be paid under this chapter to an employer on behalf of an eligible veteran for any period if the employer receives for that period any other form of assistance on account of the training or employment of the veteran, including assistance under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) or a credit under section 51 of the Internal Revenue Code of 1986 (relating to credit for employment of certain new employees).

"(c) Assistance may not be paid under this chapter on behalf of a veteran who has completed a program of job training under this chapter.

"(d)(1) In carrying out section 3116(b) of this title, the Secretary shall take all feasible steps to establish and encourage, for veterans who are eligible to have payments made on their behalf under such section, the development of training opportunities through programs of job training under this chapter.

"(2) In carrying out this chapter, the Secretary shall take all feasible steps to ensure that, in the cases of veterans who are eligible to have payments made on their behalf under both this chapter and section 3116(b) of this title, the authority under such section is utilized, to the maximum extent feasible and consistent with the veteran's best interests, to make payments to employers on behalf of such veterans.

"§ 4411. Counseling

"(a)(1) The Secretary and the Secretary of Labor may, upon request, provide employment counseling services to any veteran eligible to participate under this chapter in order to assist such veteran in selecting a suitable program of job training under this chapter.

"(2) The Secretary shall, in coordination with the Secretary of Labor, provide a program of job-readiness skills development and counseling services designed to assist veterans in need of such assistance in finding, applying for, and successfully participating in a suitable program of job training under this chapter. As part of providing such services, the Secretary shall coordinate activities, to the extent practicable, with the readjustment counseling program described in section 1712A of this title. The Secretary shall advise veterans participating under this chapter of the availability of such services and encourage them to request such services whenever appropriate.

"(b)(1) The Secretary of Labor shall provide for a program under which—

"(A) except as provided in paragraph (2), a disabled veteran's outreach program specialist appointed under section 4103A(a) of this title is assigned as a case manager for each veteran participating in a program of job training under this chapter;

"(B) the veteran has an in-person interview with the case manager not later than 60 days after entering into a program of training under this chapter; and

"(C) periodic (not less frequent than monthly) contact is maintained with each such veteran for the purpose of (i) avoiding unnecessary termination of employment, (ii) referring the veteran to appropriate counseling, if necessary, (iii) facilitating the veteran's successful completion of such program, and (iv) following up with the employer and the veteran in order to determine the veteran's progress in the program and the outcome regarding the veteran's participation in and successful completion of the program.

"(2) No case manager shall be assigned pursuant to paragraph (1)(A)—

"(A) for a veteran if, on the basis of a recommendation made by a disabled veterans' outreach program specialist, the Secretary of Labor determines that there is no need for a case manager for such veteran; or

"(B) in the case of the employees of an employer, if the Secretary of Labor determines that—

"(i) the employer has an appropriate and effective employee assistance program that is available to all veterans participating in the employer's programs of job training under this chapter; or

"(ii) the rate of veterans' successful completion of the employer's programs of job training under this chapter, either cumulatively or during the previous program year, is 60 percent or higher.

"(3) The Secretary of Labor and the Secretary shall jointly provide, to the extent feasible a program of counseling or other services (to be provided pursuant to chapter 77 of this title and sections 1712A, 4103A, and 4104 of this title) designed to resolve difficulties that may be encountered by veterans during their training under this chapter.

"(c) Before a veteran who voluntarily terminates from a program of job training under this chapter or is involuntarily terminated from such program by the employer may be eligible to be provided with a further certificate, or renewal of certification, of eligibility for participation under this chapter, such veteran must be provided by the Secretary of Labor, after consultation with the Secretary, with a case manager.

"§ 4412. Information and outreach; use of agency resources

"(a)(1) The Secretary and the Secretary of Labor shall jointly provide for an outreach and public information program—

"(A) to inform veterans about the employment and job training opportunities available under this chapter and under other provisions of law; and

"(B) to inform private industry and business concerns (including small business concerns), public agencies and organizations, educational institutions, trade associations, and labor unions about the job training opportunities available under, and the advantages of participating in, the program established by this chapter.

"(2) The Secretary of Labor, in consultation with the Secretary, shall promote the development of employment and job training opportunities for veterans by encouraging potential employers to make programs of job training under this chapter available for eligible veterans, by advising other appropriate Federal departments and agencies of the program established by this chapter, and by advising employers of applicable responsibilities under chapters 41 and 42 of this title with respect to veterans.

"(b) The Secretary and the Secretary of Labor shall coordinate the outreach and public information program under subsection (a)(1), and job development activities under subsection (a)(2), with job counseling, place-

ment, job development, and other services provided for under chapters 41 and 42 of this title and with other similar services offered by other public agencies and organizations.

"(c)(1) The Secretary and the Secretary of Labor shall make available such personnel as are necessary to facilitate the effective implementation of this chapter.

"(2) In carrying out the responsibilities of the Secretary of Labor under this chapter, the Secretary of Labor shall make maximum use of the services of Directors and Assistant Directors for Veterans' Employment and Training, disabled veterans' outreach program specialists, and employees of local offices appointed pursuant to sections 4103, 4103A, and 4104 of this title. The Secretary of Labor shall also use such resources as are available under part C of title IV of the Job Training Partnership Act (29 U.S.C. 1721 et seq.). To the extent that the Secretary withholds approval of veterans' applications under this chapter pursuant to section 4402(b)(2)(B) of this title, the Secretary of Labor shall take steps to assist such veterans in taking advantage of opportunities that may be available to them under title III of that Act or under any other program carried out with funds provided by the Secretary of Labor.

"(d) The Secretary of Labor shall request and obtain from the Administrator of the Small Business Administration a list of small business concerns and shall, on a regular basis, update such list. Such list shall be used to identify and promote possible training and employment opportunities for veterans.

"(e) The Secretary and the Secretary of Labor shall assist veterans and employers desiring to participate under this chapter in making application and completing necessary certifications.

"(f) The Secretary of Labor shall, on a not less frequent than quarterly basis, collect and compile from the heads of State employment services and Directors for Veterans' Employment and Training for each State information available to such heads and Directors, and derived from programs carried out in their respective States, with respect to the numbers of veterans who receive counseling services pursuant to section 4411 of this title, who are referred to employers participating under this chapter, who participate in programs of job training under this chapter, and who complete such programs, and the reasons for veterans' noncompletion.

"§ 4413. Authorization of appropriations

"(a)(1) There is authorized to be appropriated to the Department of Veterans Affairs $75,000,000 for each of the fiscal years 1993, 1994, and 1995 for the purpose of making payments to employers under this chapter. Amounts appropriated pursuant to this section for a fiscal year shall remain available until the end of the second fiscal year following the fiscal year in which such amounts were appropriated.

"(2) Up to two percent of amounts appropriated under this subsection for a fiscal year may be used by the Secretary for the purpose of administering this chapter.

"(b) Notwithstanding any other provision of law, any funds appropriated under subsection (a) for any fiscal year which are obligated for the purpose of making payments under section 4405 of this title on behalf of a veteran (including funds so obligated which previously had been obligated for such purpose on behalf of another veteran and were thereafter deobligated) and are later deobligated shall immediately upon deobligation become available to the Secretary for obligation for such purpose. The further obligation of such funds by the Secretary for such purpose shall not be delayed, directly or indirectly, in any manner by any officer or employee in the executive branch.

"§ 4414. Time periods for application and initiation of training

"Assistance may not be paid to an employer under this chapter—

"(1) on behalf of a veteran who initially applies for a program of job training under this chapter after September 30, 1995; or

"(2) for any such program which begins after March 31, 1996.".

(b) CONFORMING AMENDMENTS.—(1) The table of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title is amended by inserting after the item relating to chapter 43 the following new chapter:

"44. Veterans' job training ..... 4401".

(2) Section 3104(a)(7)(A) of such title is amended—

(A) by striking out "section 14(a)(2) of the Veterans' Job Training Act (29 U.S.C. 1721 note)" and inserting in lieu thereof "section 4411(a)(2) of this title"; and

(B) by striking out "such Act" and inserting in lieu thereof "chapter 44 of this title".

(3) Section 4102A(b)(3) of such title is amended—

(A) by striking out "(A)";

(B) by striking out clause (B);

(C) by striking out "and rehabilitation" and inserting in lieu thereof "rehabilitation"; and

(D) by inserting at the end thereof the following: "job training programs carried out under chapter 44 of this title;".

(4) Section 4103(c)(1)(B) of such title is amended by striking out "the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note)" and inserting in lieu thereof "chapter 44 of this title".

(5) Section 4103A(c) of such title is amended—

(A) in paragraph (6), by striking out "the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note)" and inserting in lieu thereof "chapter 44 of this title"; and

(B) in paragraph (10), by striking out "section 14(b)(1)(A)" and all that follows and inserting in lieu thereof "section 4411(b)(1)(A) of this title.".

(6) Section 4104(b)(12) of such title is amended—

(A) by striking out "section 5(b)(3) of the Veterans' Job Training Act (29 U.S.C. 1721 note)" and inserting in lieu thereof "section 4402(b)(3) of this title"; and

(B) by striking out "under such Act" and inserting in lieu thereof "in job training programs under chapter 44 of this title".

(7) Section 4104A(a)(2)(C) of such title is amended—

(A) by striking out "section 14(b)(1)(A) of the Veterans' Job Training Act (29 U.S.C. 1721 note)" and inserting in lieu thereof "section 4411(b)(1)(A) of this title"; and

(B) by striking out "the Act" and inserting in lieu thereof "chapter 44 of this title".

(8) Section 4105(b) of such title is amended by striking out "the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note)" and inserting in lieu thereof "chapter 44 of this title".

(9) Section 4108(b) of such title is amended by striking out "section 7 of the Veterans' Job Training Act (29 U.S.C. 1721 note)" and inserting in lieu thereof "section 4404 of this title".

(10) Section 5303A(b)(3) of such title is amended—

(A) by striking out "or" at the end of subparagraph (E);

(B) by striking out the period at the end of subparagraph (F) and inserting in lieu thereof "; or"; and

(C) by adding after subparagraph (F) the following:

"(G) to benefits under chapter 44 of this title.".

(10) Subparagraph (B) of section 402(d)(1) of the Veterans' Benefits and Programs Improvement Act of 1988 (29 U.S.C. 1721 note) is amended to read as follows:

"(B) chapter 44 of title 38, United States Code (relating to veterans' job training).".

(c) ELIGIBILITY REQUIREMENTS FOR VETERANS UNDER FEDERAL EMPLOYMENT AND TRAINING PROGRAMS.—Section 4213 of title 38, United States Code, is amended—

(1) by striking out "34,";

(2) by inserting "30" after "13,";

(3) by inserting ", and under chapter 106 of title 10," after "of this title"; and

(4) by striking out "such title" and inserting in lieu thereof "this title".

(d) APPLICATION.—Chapter 44 of title 38, United States Code, does not apply with respect to any activity under the Veterans' Job Training Act (29 U.S.C. 1721 note).

SEC. 4. VETERANS' PREFERENCE FOR JOB TRAINING PARTNERSHIP ACT PROGRAMS.

Section 141(a) of the Job Training Partnership Act (29 U.S.C. 1551(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

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

"(2) Each job training plan shall provide a preference in the provision of such employment and training opportunities to members of such eligible populations who are disabled veterans with service-connected disabilities, recently separated veterans, and homeless veterans.".

SEC. 5. REINTEGRATION PROJECTS FOR JOB TRAINING OF HOMELESS VETERANS.

Section 739 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11449) is amended—

(1) in subsection (a)(3), by striking out all that follows "1993" and inserting in lieu thereof a period; and

(2) by striking out subsection (b) and inserting in lieu thereof the following new subsection:

"(b) RESERVATION OF AMOUNTS FOR VETERANS' REINTEGRATION PROJECTS.—Beginning in fiscal year 1993, 25 percent of the amounts appropriated under subsection (a) shall be available only to carry out section 738.".

SEC. 6. WAIVER OF HOME LOAN ORIGINATION FEE FOR INVOLUNTARILY SEPARATED VETERANS WHO ARE FIRST-TIME HOME BUYERS.

Section 3729 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking out "subsection (c)(1)" and inserting in lieu thereof "paragraphs (1) and (4) of subsection (c)"; and

(2) in subsection (c), by adding at the end thereof the following:

"(4) A fee may not be collected under this section from a veteran who—

"(A) is involuntarily separated, as determined under section 1141 of title 10, before October 1, 1995,

"(B) prior to obtaining a loan subject to this paragraph, has not obtained housing loan benefits under section 3710 or section 3711 of this chapter, and

"(C) has never held a present ownership interest in the veteran's principal residence,

for a loan executed before the end of the three-year period beginning on the date the

veteran is involuntarily separated. For the purposes of this paragraph, involuntarily separation shall be determined under section 1141 of title 10.".

SEC. 7. WAIVER OF MINIMUM ACTIVE-DUTY SERVICE REQUIREMENT FOR CERTAIN PERSONS WHO ARE INVOLUNTARILY DISCHARGED.

Section 5303A of title 38, United States Code, as amended by section 4(b)(10), is further amended—

(1) in subsection (b)(3)—

(A) by striking out "or" at the end of subparagraph (F);

(B) by striking out the period at the end of subparagraph (G) and inserting in lieu thereof "; or"; and

(C) by inserting at the end thereof the following:

"(H) to a person who is involuntarily discharged, as determined under section 1141 of title 10."; and

(2) in subsection (d)(3), by striking out "or (C)" and inserting in lieu thereof "(C), or (H)".

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 1992.

Mr. SIMPSON. Mr. President, I rise today to cosponsor and to offer my strongest support for this important piece of veterans legislation which was introduced by my friend, our fine and able Republican leader.

I also note that this bill is offered in concert with our House colleagues, chairman of the House Veterans' Affairs Committee, my old friend and ally, "SONNY" MONTGOMERY, and the conscientious ranking minority member, BOB STUMP, who in a truly bipartisan effort, introduced companion legislation in the House today.

This legislation addresses education, jobs, and transition assistance for those veterans recently discharged from the active duty military service.

This bill would increase the Montgomery GI bill educational assistance by raising the current payment from $300 per month to $500 per month; revive the Veterans Job Training Act Program; expand the Department of Labor's Veterans' Preference for Job Training Partnership Act programs; increase funding to the Veterans Homeless Assistance Act; and waive the home loan origination fee for involuntary separated veterans.

The cost of this bill is expensive—$1.8 billion over a 5-year period. But, let us make no mistake, these worthy improvements in veterans' benefits cannot come at a more appropriate time than now.

The Department of Defense expects to reduce the Armed Forces by 520,000 people by 1995. Many of these veterans, with families to support, never planned on leaving the active duty service and are not now in a financial position to obtain additional education under the current GI bill.

Through this enhanced GI bill, these veterans will have the opportunity to become a more qualified work force as our Nation transitions into fuller economic growth.

Finally, there is clearly a great need for transition assistance to the civilian world for these veterans. By reviving the Veterans Job Training Act and amending the Job Training Partnership Act, employers and veterans will both benefit.

Employers would receive Federal tax benefits for hiring veterans and veterans would be given preferential access to certain Federal grants.

Our message is directed toward jobs and opportunities for civilian transition for our Nation's deserving veterans. This legislation has been designed in accordance with the President's policy of peace dividends for the peacemakers.

I commend my colleague, the Republican leader, for his work and keen foresight in this area, and I am most pleased to introduce this legislation with him. I invite my colleagues on both sides of the aisle to cosponsor this important legislation.

By Ms. MIKULSKI (for herself and Mr. ROBB):

S. 2673. A bill to require the Director of the Office of Personnel Management to carry out a program of job placement for civilian employees of the Federal Government whose employment positions are eliminated by reason of reductions in the size of the Federal work force; to the Committee on Government Affairs.

S 2674. A bill to require the Director of the Office of Personnel Management to establish a toll-free information system to provide Federal employees whose positions are being eliminated due to reductions in the size of the Federal work force with information relating to the employment-related opportunities and benefits available to such employees; to the Committee on Governmental Affairs.

DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEE ASSISTANCE ACT

• Ms. MIKULSKI. Mr. President, today, along with Senator ROBB, I am introducing legislation that will assist Department of Defense civilian employees who will be affected by the downsizing of the defense budget.

It wasn't long ago that the entire Nation was celebrating our overwhelming victory in the Persian Gulf war—a victory that demonstrated our Armed Forces' vast technological and organizational superiority. That superiority was obtained in part by the dedicated and tireless efforts over the past few decades of the Defense Department's talented scientists and engineers, procurement officers, support staff, personnel clerks, and computer operators. Their efforts paid off—we won the gulf war, we won the cold war.

But now, the celebrations are over. The defense budget is on the decline, and our attention is turned to the many demands of our domestic economy. The same people who just last year were receiving accolades for their contributions to our victory in the gulf are now faced with an uncertain future.

Last year, Congress provided the Defense Department a program to assist the thousands of military personnel who are being released and must reenter civilian life. This program appears to be working well. But what about the thousands of civilians who are faced with the same fate—separation from their jobs, their livelihood, their career?

The two bills I am introducing today are one step toward helping these civilian defense department employees who, through no fault of their own, may be faced with loss of their jobs.

The first bill will expand the Defense Department's Priority Placement Program to a Government-wide program. What this means is that an engineer, computer programmer, or a secretary being displaced within DOD or any other Federal agency will be given first priority over non-Government employees for similar jobs within Commerce or Energy or NASA or any other Federal agency.

The second bill will direct the Office of Personnel Management to develop a 1-800 number—a one-stop shop—of information on employment-related opportunities and benefits available to displaced workers. This will enable displaced workers who may not be able to afford numerous, lengthy long-distance phone calls to find out what opportunities or benefits are available to them.

I believe both bills can be implemented at minimal cost while having far-reaching benefits for the people affected by the defense downsizing. I encourage my colleagues on both sides of the aisle, especially those on the DOD/Economic Conversion Task Force, to join me in support of these bills. This is the very least we all can do for the thousands of dedicated and hard-working civilians who have contributed so much to our Nation's security.

Mr. President, I ask unanimous consent that the text of these bills be printed in the RECORD.

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

S. 2673

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

SECTION 1. PROGRAM OF JOB PLACEMENT FOR CERTAIN DISPLACED FEDERAL EMPLOYEES.

(a) REQUIREMENT OF PROGRAM.—Notwithstanding any other provision of law and subject to subsections (b) and (c), the Director of the Office of Personnel Management shall carry out a program to provide employment referrals and priority in employment placement in the Federal Government to civilian employees of the Federal Government whose employment positions are abolished or eliminated by reason of any reduction in the size of the Federal Government work-force.

(b) PROGRAM MODEL.—(1) In implementing and carrying out the program required under

subsection (a), the Director of the Office of Personnel Management shall, to the extent practicable, employ and adapt the methods and procedures relating to employment referrals and employment placement (including procedures for determining the eligibility of an employee for the receipt of such referrals or placement) that are employed by the Department of Defense under the Department of Defense Program for Stability of Civilian Employment implemented pursuant to Department of Defense Directive 1400.20.

(2) The Director shall implement and carry out the program required under subsection (a) in consultation with the Assistant Secretary of Defense for Force Management and Personnel.

(c) COMMENCEMENT DATE.—The Director of the Office of Personnel Management shall commence carrying out the program required under this section not later than 120 days after the date of the enactment of this Act.

S. 2674

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

SECTION 1. EMPLOYMENT-RELATED INFORMATION FOR DISPLACED FEDERAL EMPLOYEES.

(a) INFORMATION SYSTEM.—Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Personnel Management shall commence the provision of the information referred to in subsection (b) to displaced Federal employees by means of a toll-free telephone number (commonly referred to as an 800 number).

(b) TYPES OF INFORMATION.—The information to be provided to displaced Federal employees by means of the toll-free telephone number referred to in subsection (a) shall include information relating to the following:

(1) Any employment opportunities that are available to such employees, including employment opportunities inside and outside of the Federal Government.

(2) Any benefits that are available to such employees by reason of their employment in employment positions in the Federal Government.

(3) Any programs that provide reemployment assistance to such employees or similarly situated employees and in which such employees may participate.

(c) DEFINITION.—In this Act, the term "displaced Federal employee" means any civilian employee of a department, agency, or instrumentality of the Federal Government whose employment position in that department, agency, or instrumentality is abolished or eliminated by reason of a reduction in the size of the work-force of that department, agency, or instrumentality.●

By Mr. BINGAMAN:

S. 2675. A bill to promote the use of State-coordinated health insurance buying programs and assist States in establishing Health Insurance Purchasing Cooperatives, through which small employers may purchase health insurance, and for other purposes; to the Committee on Labor and Human Resources.

HEALTH INSURANCE PURCHASING COOPERATIVES ACT

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that represents one of the many steps needed to achieve comprehensive reform of our Nation's health care system. Before I go into the details of my bill, I want to talk more broadly about our health care system and some of the problems I believe we will encounter as we begin the process of reform.

I could spend a great deal of time reciting statistics on the shortcomings of our health care system, but every one knows the dilemma we face: We can no longer afford a health care system that fails more than half of us.

Forty million Americans, including 10 million children, have no health insurance and another 100 million of us are underinsured. Health care costs are rising so rapidly that none of us can have the peace of mind that we will be able to take care of our family's medical problems without losing our savings accounts or our homes.

Peace of mind will come only through change in our health care system, the most expensive system in the world. The United States spent $732 billion on health care last year, exceeding the gross national product of all but six of the world's countries. It is sobering to realize that modification of our health care system is comparable to changing the economy of a major nation.

It is the sheer magnitude of our health care system that makes it so difficult to reform. Yet, we cannot afford to delay the task any longer. I am convinced that major structural alterations must be the foundation of reform. Cosmetic changes are not good enough. Many of my colleagues apparently have reached the same conclusion. In fact, Mr. President, more than 100 comprehensive health care reform proposals are now pending in the Senate and the House. Almost all the bills advocate differing approaches to reform—proposals range from Canadian-style single-payer systems to recommendations for small changes in our current system.

What does it mean that so many bills with different approaches have been put forth? First, it signals a widespread recognition of the problems inherent in our current health care system. But the number of proposals also reflects the lack of consensus on how to solve the problems we face. Without consensus, it will be extremely difficult, if not impossible, to implement any type of comprehensive reform.

Mr. President, despite the lack of widespread consensus, I think it is possible for Congress to act on some aspects of health care reform. Careful examination of the proposals put forth by the administration, the Democratic leadership and the Republican leadership reveals that each group has identified three common problems:

First, the need to reform of the small group health insurance market;

Second, the need to create greater efficiency in health insurance billing and claims processing; and

Third, the need to create a common database or system of assessing effectiveness of health care interventions.

Mechanisms for addressing these problems are included in the President's health reform proposals; in S. 1936, the Senate Republican leadership bill; and in S. 1227, HealthAmerica, the Democratic leadership bill. Perhaps here, at this point of consensus, we should begin. It may not be comprehensive reform; but it is a step toward comprehensive reform; and as an old Chinese proverb says: "A journey of a thousand miles starts with a single step."

Over time, these steps will lead to a comprehensive overhaul of our health care system and will provide quality care, at an affordable price, for all of us. Proposing incremental reform is not as glamorous as proposing the type of comprehensive reform I, and many of my colleagues, support and have pledged to work to achieve. But it may be the wisest course for now, and the one least likely to get us in trouble down the road.

I believe we should begin our journey by taking steps to reform the small group insurance market. The insurance marketplace is replete with failings, but none is as egregious as the failure of the small group insurance market. Insurance for employees of small business has become a luxury few can afford. Insurers have found creative ways to cover healthy individuals, while increasing premiums for individuals who actually need or use their health insurance.

A curious form of natural selection has developed for employees of small business: The employee who becomes ill is dropped from the company's policy, to preserve lower prices for the remaining employees. The disparity in premiums can be enormous, depending on where a beneficiary lives and the type of work he or she performs. We have reached a point where no one who works for a small employer can be confident he or she will have health insurance next year.

Mr. President, when considering how to reform this particular system, an understanding of history—of how we got to this point—is useful:

For the past 100 years, we have pursued a pluralist health care system. Seeking checks and balances, we have allowed a combination of competing sectors to evolve. Driven by pressures from third-party payers and Government regulators, the system has contracted in some areas, but only in response to pressure. No overall direction or management of the system has been developed or encouraged. To the contrary, our health care system has proven resistent to comprehensive management.

Many other countries have sought a balanced, centralized approach to providing health services. In the United

States, suspicion of Government has lead us to eschew such remedies. Americans have struggled to define and distinguish adequate Government protection and undue meddling. Ambivalence to the role of charity and Government intrusion has created a pluralist health care system in which every individual has enormous freedom and no one person or entity can guide the direction of American health policy.

I believe our pluralist health care system needs management—management that can effectively channel market forces and allow disenfranchised groups, like employees of small businesses, to have a voice. But effective management requires information; and today, that is something we do not have. In fact, most of us in policymaking positions know very little about our health care. The pluralist system we have developed defies evaluation and has created a situation that can only be poorly described. If we ever expect to reach comprehensive reform, we need to know more about our system.

The three first steps to health care reform I have outlined—reform of the small group health insurance market; creating administrative efficiencies; and acquiring information for managing the system—will be most effective if linked with a fourth step: One that allows consumers to make choices on the basis of cost and quality.

Over the years, we have not been able to make many health care choices based on cost, and we have had access to only limited information with which to make decisions about quality. The bill I am introducing today addresses this problem, as well as the other three, by encouraging States to create large purchasing cooperatives for small employers, which will allow consumers to base decisions on cost and quality.

For some time, companies that have purchased large quantities of health care services have demonstrated that buying leverage can impact the health care system. Large buyers can demand discounts and quality services. Very few small employers enjoy this leverage. This bill will help give small business the buying power and leverage enjoyed by large companies.

The bill will establish a management model for the small employer health insurance market. It will restrict the wild fluctuations in insurance ratings that have been applied to individuals seeking insurance through small groups.

The bill will create administrative savings in two ways:

First, it mandates that insurers participating in the new system use electronic administration of claims and billing. Insurers will provide consumers with electronic credit cards, which summarize their medical benefits, treatment history, and health history.

Second, and more important, the bill will create a mechanism for consumers to make knowledgeable choices about quality and cost when choosing medical benefits.

My bill achieves these objectives by helping States create health insurance purchasing cooperatives, or HIPCs. A new Federal grant program will be authorized within the Department of Health and Human Services, through which States can apply for funding to help establish an HIPC system.

States participating in the program will assign exclusive regional franchises to each HIPC; and in participating States, HIPC's will be the exclusive mechanisms for small employers—under 50 employees—to purchase health insurance.

An independent National Health Board will be established by the President. This board will recommend several levels of health benefit packages, which will be offered through the HIPC's. Recommendations will be based on demonstrated efficacy of interventions, including cost effectiveness. The Board will also determine which outcome measures should be used in assessing the medical services delivered through HIPC's.

HIPC's will:

Seek bids from insurance carriers seeking to provide the care and benefits described in the bid request;

Act as a health benefit office for small employers;

Offer small employers and employees a range of health packages; and

Ensure that employees receive all appropriate services, including any mandated Federal benefits.

Mr. President, I ask that letters supporting this bill, along with a bill summary, be printed in the RECORD at the conclusion of my remarks.

Secretary Sullivan has estimated national implementation of steps like these will save between $4 and $20 billion annually—depending on the number of States implementing the program. My bill will authorize $25 million for the grant program for each of 4 years.

Mr. President, in closing, I am introducing the Health Insurance Purchasing Cooperatives Act today because I believe we are prepared—we have reached a consensus—to take the first 4 steps toward comprehensive health care reform. By taking these four steps, more than 40 million Americans working for small employers will finally have peace of mind. We will finally have a foundation for the many health reform steps we will need to take over the next several years.

It may be more glamorous to propose grand, comprehensive health care reform, but it simply is not realistic at this point. We need models that advance our system and ensure high-quality, affordable health care for all Americans. This proposal offers what we need most: a start in reforming our health care system.

There being objection, the material was ordered to be printed in the RECORD, as follows:

HEALTH INSURANCE PURCHASING COOPERATIVE ACT

Purpose: While the debate continues on comprehensive health care reform, this bill enables us to begin taking action: it makes important, basic structural reforms in the small employer health insurance market. The bill helps states establish "Health Insurance Purchasing Cooperatives," which will manage competition among insurance carriers to: (1) streamline and reduce costs in the administration of health benefits; and (2) help employees select health benefits plans that compete in cost and quality.

NEED AND RATIONALE

Americans working in small firms are less likely to be insured: Only 25 percent of all self-employed workers and 31 percent of workers in firms with 25 employees or less have employer-sponsored health insurance. In firms of 1,000 or more, 71 percent of the workers are covered.

More Americans are losing health insurance: Between 1989 and 1990, two million Americans lost employer-based health insurance.

Administration of small firm health insurance is costly and ineffective: CRS estimates administrative costs exceed 35 cents per dollar for small health insurance policies. Larger plans spend less than 6 cents per health care dollar. Market restructuring could reduce premiums for small employers and their employees by 20 to 30 percent.

Electronic technology could save billions each year in medical billing costs: Reducing paperwork and increasing efficiency could save $4 billion to $20 billion annually. Universal beneficiary information cards, uniform claim forms, and electronic billing will move the health insurance industry into the 21st century.

THE PLAN

(1) Health Insurance Purchasing Cooperatives. Through a new DHHS program, states will apply for grants to establish "Health Insurance Purchasing Cooperatives" (HIPC) for small employers (less than 50 employees). Federal funds will be used to help cover HIPC start-up costs. Once operational, HIPCs will be fiscally self-sufficient.

(a) Key feature: HIPCs will be the exclusive health benefits agent for all small employers in states that adopt the program. In states opting for the program, all small employers will be required to use HIPCs for purchasing health benefits, if the employers choose to offer such benefits.

(b) HIPCs will:

Be established by states in districts, based on population and geography to achieve economy of scale;

Act as the exclusive purchasing agents for all small businesses within a district, soliciting bids for specific benefits packages and purchasing large blocks of insurance, thus motivating providers and carriers to provide high quality, cost-effective services and coverage; and

Act as a health benefits office for participating employers, providing comprehensive health services' purchasing, informing employees about their benefits, and operating annual "open enrollment seasons" for employees.

(c) Carriers will: submit bids on standardized benefit plans to HIPCs, using adjusted community ratings, assessing age, gender and geography to determine premiums; hold annual open enrollment periods; and limit

exclusion of coverage for preexisting conditions to no more than six months.

(2) National Health Board: The President will appoint an 11-member "National Health Board"(NHB), representing the spectrum of participants in our health care system. The Board will:

Help states regulate HIPCs by establishing standards for qualified plans;

Develop model health insurance packages and periodically review the benefits packages; and

Establish data collection requirements for quality monitors, expense reporting, and health outcome and efficacy data, which will be the foundation of a national health insurance and outcomes data collection system.

(3) National Data System: The DHHS Secretary will establish a comprehensive national data base for health information, based on NHB recommendations:

(a) All HIPC carriers will issue standardized magnetic cards to their beneficiaries. The card will contain information on billing, eligibility, and health outcomes, which will be conveyed electronically to Regional data centers. The regional centers will, in turn, pass the information on to the Secretary, governments, and communities.

(b) Using the card, providers will enter information into a patient's file on treatment, health outcomes, and billing. Data will be provided in a standard format, to be established by the NHB.

Cost: Actual expenditures will be $133 million over four years. Estimates derived from CRS data indicate national implementation of HIPCs should save $5-$10 billion annually. Actual savings depends on the number of states adopting the program.

U.S. HEALTHCARE,
Blue Bell, PA, April 8, 1992.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of U.S. Healthcare, Inc., I would like to congratulate you on the introduction of the "Health Insurance Purchasing Cooperative Act of 1992". We support bills like this and look forward to working with you as the healthcare reform debate continues.

Sincerely,

MICHAEL A. STOCKER, M.D.,
Executive Vice President.

INTERSTUDY,
Excelsior, MN, April 7, 1992.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: Your proposed legislation (the Health Insurance Purchasing Cooperatives Act) for small employer health insurance reform is on target. You've managed to include in a single piece of legislation administrative cost reduction through joint cooperative purchasing, avoidance of risk selection by requiring all small businesses who purchase health insurance to participate, and have established a new health outcome-based standard for competition based on quality and price.

If my colleagues and I can be of assistance in providing expert testimony on your proposal, please call on us.

Sincerely,

PAUL M. ELLWOOD, M.D.,
President & CEO.

Chevy Chase, MD, April 9, 1992.

Senator JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: I appreciate the opportunity to become familiar with the details of your "Health Insurance Purchasing Cooperatives Act" legislation.

A full reform agenda is needed for our health system. But such systemic reform must build on solid foundations. I think the "Health Insurance Purchasing Cooperatives Act" is such a fundamental reform in building a better health care system, particularly in two major respects:

Restructuring the small group insurance market: The legislation establishes Health Insurance Purchasing Cooperatives (HIPCs) for management of health insurance benefits for small employers in each area. The HIPCs will greatly assist small employers, their workers and families by: (1) putting an end to the egregious underwriting and rating practices that now characterize this part of the insurance market, threatening tens of millions of working, middle-class Americans with "job lock", uncertain insurance protection, and unaffordable premiums; (2) reducing the excessive insurer administrative charges—up to 40%—for small insurers with an administrative system similar to that now enjoyed by large employers (with administrative costs of 5% or less) as well as by Federal employees in their own multi-choice health insurance programs; and (3) providing an effective consumer-oriented insurance marketplace, in which qualified insurers compete through offering standardized benefit packages which individuals are able to compare by cost and quality measures.

National data system with electronic billing and credit cards: The legislation also makes a major step toward a more efficient—and effective—national administrative system for health insurance benefits by using credit cards and electronic billing that are already the norm in handling many financial transactions. These reforms will reduce consumer costs and paperwork. They will also lay a base for a much-needed national data system on health care costs and quality. Such a data system is vitally important if communities, employers, consumers, state governments and public and private decision-makers are to be well-informed about the nature of health cost variations, cost increases, quality measures, and effectiveness of clinical procedures and able to formulate intelligent plans for dealing with them.

This legislation will benefit many millions of Americans and lay the basis for broader health system reforms. I hope it can be enacted as soon as possible.

Sincerely,

LYNN ETHEREDGE.

WASHINGTON BUSINESS GROUP ON HEALTH,
Washington, DC, April 8, 1992.

Hon. JEFF BINGAMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: The Washington Business Group on Health (WBGH) commends you for authoring the Health Insurance Purchasing Act of 1992. WBGH supports enactment of this important proposal into law.

As you know, adoption of the Health Insurance Purchasing Act will not solve all of our nation's health system problems. Much would remain to be done in the areas of access to care, cost management and quality improvement. However, as an organization which favors fundamental health system reform, we support the Act because it sets the stage for subsequent, more comprehensive health system changes while also effectively addressing some of the most immediate health insurance problems faced by many Americans.

The Act is designed to reestablish a functional small group health insurance market. Although most WBGH members are large employers, we have an important stake in small group market reform. First, WBGH's members pay more than their fair share of health costs, partly because small group market practices prevent some employees' dependents from obtaining coverage through their own jobs at small companies. Second, large corporations participate in the same health care system as small groups. The manner in which tens of millions of Americans insured through small groups obtain health services affects large employers' ability to manage costs and improve health care quality. Finally, WBGH's members deal with small businesses as customers, suppliers and franchisees. The productivity of these relationships is directly affected by small businesses' health insurance arrangements.

Like other small group reform proposals, the Health Insurance Purchasing Act includes much needed restrictions on insurers' rating and underwriting practices. However, the Act takes a bold step beyond other proposals by authorizing (though not requiring) states to establish not-for-profit Health Insurance Purchasing Cooperatives (HIPCs) that would be the exclusive health benefits purchasing agents for small employers in a given area. HIPCs would contract with multiple carriers selected through competitive bidding to offer several different standardized benefit packages to small employers.

For small businesses, a small group market reform plan structured around HIPCs has several important advantages over reforms limited to rating and underwriting restrictions. HIPCs will be able to provide small employers and their employees with: (1) the market clout needed to require that insurers and providers change their practices in order to provide more efficient, higher quality care, (2) an ability to negotiate favorable premiums and avoid cost-shifting, (3) in practical terms, a broader choice among insurance plans, (4) reduced administrative costs, and (5) professional benefits administration.

WBGH also supports the Act's strong emphasis on quality improvement. Only carriers able to meet cost-effectiveness and quality standards would be permitted to participate in the HIPC, and carriers would be required to report uniform data measuring quality of care. These are important and overdue steps toward bringing accountability to our health care system.

WBGH strongly urges you to consider several technical refinements to the Health Insurance Purchasing Act as it moves through the legislative process. First, we believe that effective management of mental health services rather than limits on the quantity of covered services is the most effective way to contain the cost of mental health care. This should be reflected in the HIPCs' minimum benefit package.

Second, we believe that the Act should specify an appropriate limit on maximum demographically-related premium variation between groups.

Third, we agree that some standardization of benefits is needed, to promote meaningful price and quality competition, avoid adverse selection and simplify administration of benefits. We believe that it would be useful to

further evaluate the roles played by a minimum benefit package and the National Health Board in fostering standardization.

Fourth, groups with more than 50 employees are beginning to face many of the same problems with insurance market practices as groups with fewer than 50 employees. States should be authorized to establish HIPCs which encompass groups with up to 100 employees.

Finally, WBGH opposes mandatory reinsurance pools, which wholly or partly absolve carriers of their financial responsibility for high cost claims. This greatly weakens carriers' incentive to effectively manage care, resulting in higher costs and subsidies of inefficient carriers by efficient carriers. While the Act does not specify reinsurance arrangements, we do not believe that mandatory reinsurance should be an option in the context of a HIPC which would reduce selection effects by managing competition between carriers. Alternatives, such as prospective risk-based adjustment of premium revenue between carriers, should be vigorously explored.

Again, the Washington Business Group on Health commends you for introducing the Health Insurance Purchasing Act. We look forward to working with you and your staff on technical refinements to the Act, and on broader health system reform legislation in the future.

Sincerely,

MARY JANE ENGLAND,
President.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2676. A bill for the relief of certain subcontractors that incurred losses resulting from the avoidable insufficiency of payment and performance bonds furnished in connection with Coast Guard contract DTC50-87-C-00096; to the Committee on the Judiciary.

RELIEF OF CERTAIN SUBCONTRACTORS

Mr. MURKOWSKI. Mr. President, I rise today on behalf of my colleague, the senior Senator from Alaska [Mr. STEVENS] and myself to introduce a private-relief bill on behalf of Alaskan subcontractors and suppliers who were injured as a result of the default of the general contractor on the construction of the Coast Guard facility in Ketchikan, AK, and the failure of the Coast Guard to ensure that adequate sureties existed to protect those subcontractors and suppliers.

Mr. President, this is an unfortunate case where the U.S. Coast Guard contracted with a general contractor, relied on sureties provided by that general contractor, and the general contractor subcontracted to a group of small individual companies in the city of Ketchikan, AK, and those individual companies relied, obviously, on the Government for performance. But the contract was by the Government through the general, and, as a consequence, to make a long story short, the general was dishonest and saw fit to basically depart the country without paying the subcontractors, and, as a consequence, these people who performed the job and provided services were simply not paid, and the impact upon them individually and collectively has been a financial disaster, and, hence, the justification for the special private-relief bill introduced by Senator STEVENS and myself.

BACKGROUND

In 1987, the Coast Guard awarded this contract to MZP, Inc., as the prime contractor. Although MZP was paid by the Coast Guard, MZP failed to fully compensate its subcontractors and suppliers as required by the Coast Guard contract and the individual contracts of the subcontractors and suppliers. In an effort to collect moneys they were owned, several subcontractors and suppliers sued MZP and the individual sureties in Federal court under the Miller Act. Judgments against MZP and the sureties were awarded to these subcontractors and suppliers.

In spite of these judgments, the subcontractors and suppliers have been unable to collect against either MZP or the sureties because MZP had filed for bankruptcy and the individual surety bonds were not supported by collateral. The property and assets listed on the bonds approved by the Coast Guard are nonexistent.

The subcontractors and suppliers have expended considerable amounts in attorneys fees, time and effort in attempting to obtain payments that are rightfully due to them for their performance on the Coast Guard contract. Financial stability of many of the subcontractors has been threatened as a result.

The fundamental purpose of the Miller Act, the Federal Acquisition Regulations, and other applicable Federal regulations are to protect the Government and those who supply labor and materials on Government jobs by ensuring that adequate security exists for the bonds accepted by the Government. The Coast Guard had an obligation to ensure the adequacy of the individual sureties on this contract.

PROBLEM COULD HAVE BEEN PREVENTED

Mr. President, I believe that this problem could have been prevented had the Coast Guard made a more diligent effort to ensure that bonding and sureties on the project were legitimate. Early on in this process, at the inception of the project, serious questions were raised by other contractors and subcontractors as to the adequacy of the bonding and sureties put forth by MZP. These concerns were brought to the attention of Coast Guard personnel responsible for determining the acceptability of the individuals proposed as sureties and the bonds they were required to execute.

We have raised this issue on a number of occasions with Coast Guard personnel and I personally brought the issue to the attention of Admiral Kime. We recently had a meeting in Ketchikan with Coast Guard attorneys and affected subcontractors to discuss remedies which might be available to them. Throughout this process, the Coast Guard has maintained that its personnel complied with the regulations governing the investigation of the bonding and sureties in place at the time the contract was awarded. While this may be the case, the Coast Guard certainly did not seriously investigate any of the charges made about the adequacy of the sureties, warnings which if heeded could have prevented this unfortunate situation. Although Federal acquisition regulations have been strengthened in the last few years to prevent this damage to future subcontractors, it in no way provides any relief for those injured in the past. The only remedy available at this time appears to be the passage of private relief legislation, an equitable remedy which I believe fairness dictates.

CONCLUSION

These Alaskan subcontractors relied in good faith on the Coast Guard and the U.S. Government to protect their interests. The Coast Guard was most certainly aware that the subcontractors relied on their determination that the necessary safeguards were in place. These subcontractors were injured as a result of this reliance. Principles of equity and fairness demand that the subcontractors be provided with relief. My legislation would ensure that these subcontractors and suppliers are fully and fairly compensated for their performance under the contract. I would urge my colleagues to support this legislation.

By Mr. CRANSTON (for himself, Mr. DURENBERGER, Mr. BURDICK, Mr. PACKWOOD, Mr. AKAKA, Mr. SIMON, Mr. PELL, and Mr. HATFIELD):

S. 2677. A bill to ensure economic equity for American women and their families and to respond to the need to revitalize the American economy by expanding employment opportunities; improving access to funds for women business owners; enhancing economic justice for women through pay equity, improved child support enforcement, and benefits for part-time workers; and providing economic and retirement security for women as workers and as divorced or surviving spouses; to the Committee on Finance.

ECONOMIC EQUITY ACT

• Mr. CRANSTON. Mr. President, on behalf of myself and the distinguished Senator from Minnesota [Mr. DURENBERGER] I am pleased to introduce today the Economic Equity Act of 1992 [EEA].

We are joined in cosponsoring this legislation by the Senator from North Dakota [Mr. BURDICK], the Senator from Oregon [Mr. PACKWOOD], the Senator from Hawaii [Mr. AKAKA], the Senator from Illinois [Mr. SIMON], the Senator from Rhode Island [Mr. PELL], and the Senator from Oregon [Mr. HATFIELD].

The EEA of 1992 is a package of individual legislative initiatives designed to improve the economic status of women. This is the sixth EEA introduced in the Congress since 1981, and like its predecessors it contains a blueprint for the Congress to follow to eliminate many of the roadblocks standing in the way of economic equity for millions and millions of American women. Last year, a similar EEA bill was introduced in the House by Representatives PATRICIA SCHROEDER and OLYMPIA SNOWE. I am pleased to report that two provisions of the House EEA bill Nontraditional Employment for Women Act and the Glass Ceiling Act—have already become law.

This bipartisan, bicameral bill is a vehicle for individual legislative initiatives that share one common goal; to improve the economic well-being of women. When an initiative is enacted, another initiative takes its place in a subsequent EEA. The EEA has and will continue to provide a congressional agenda for advancing economic equity for women.

It has given me great pleasure to note the successes of past EEA's. Beginning with some modest victories in the 97th Congress, the EEA's first year of introduction, we have made major strides in subsequent Congresses. In the 98th Congress we scored victories with private and public pension reform, child support enforcement, and two child care initiatives. The 99th Congress enacted into law six EEA provisions, including health insurance continuation, private and military pension reforms, child care for higher education students, and tax reforms. Four EEA provisions were enacted in the 100th Congress, including equal credit protection for women business owners, and funding for child care in public housing. In the 101st Congress, nine EEA bills became law. These bills involved issues such as vocational education, displaced homemakers, transitional housing child care services, public housing perinatal services, domestic violence, disabled widows and widowers, immigration reform for battered spouses and increased funding for the Social Security block grants and maternal and child health block grants.

The EEA of 1992, divided into five titles—Employment Opportunities; Women in Business; Economic Justice; Retirement Equity and Equal Remedies—represents a comprehensive, forward looking approach to improving the economic well-being of American women and families. It takes into account the differing needs of older women and younger women, wage earners and homemakers, and single heads-of-household as well as women who own their own businesses. It balances proposals for long-range, fundamental reforms with more immediate, incremental reforms. This diversity and universal applicability of the EEA to women in all walks of life is one of its greatest strengths.

Mr. President, the following is a summary of the EEA of 1992.

TITLE I. EMPLOYMENT OPPORTUNITIES

Women in Apprenticeship Occupations and Nontraditional Occupations Act

This provision would authorize community-based organizations to provide technical assistance to private employers wishing to recruit, train and retain women in apprenticeship programs. The bill would also provide for a study of barriers to the participation of women in apprenticeships and nontraditional occupations, and strategies for overcoming those barriers.

Women and Minorities in Science and Mathematics Act

This provision would amend the Higher Education Act to encourage women and minorities to enter the fields of science and math. It would provide training for faculty and staff to develop educational programs for encouraging the entry of women and minorities into these fields, authorize use of funds for model training for women and minorities who seek work in math and science, and provide counseling for high school girls and minorities to prepare them for entrance into these fields. This legislation would also provide for recruitment and retention efforts for women and minorities to teach math and science.

Advancement of Women in Science & Engineering WorkForce Act

This legislation would establish a commission to study the recruitment, retention, and advancement of professional women in science and engineering.

Worker Retraining Demonstration Project

This legislation would create a demonstration program of grants to states to provide literacy and skills training for workers currently in low-paying, dead-end jobs to prepare them for more highly skilled positions.

TITLE II—WOMEN IN BUSINESS

Act for Microenterprise

The Act for Microenterprise would assist low-income individuals who wish to establish microenterprises by ensuring that the receipt of a microenterprise loan does not bar someone from receiving welfare payments on the grounds of exceeding the asset limitation. The legislation would provide a one year transition period during which income derived from a microenterprise activity would not be counted toward eligibility for welfare. The legislation would also allow a person to start a microenterprise while they receive Unemployment Insurance.

Microlend for the Future Act

The Microlend for the Future Act would establish a new program within the Small Business Administration to provide funds to community-based organizations. These organizations would make loans available to individuals starting or expanding microenterprises who have been unable to obtain alternative financing. The legislation would also require these community-based organizations to provide appropriate technical assistance and business training to the individuals receiving microenterprise loans.

Women's Business Procurement Assistance Act

This legislation would require all federal agencies to establish goals for contracting and subcontracting with women-owned businesses, and would formally establish the Office of Women's Business Ownership at the Small Business Administration. In addition, it would require each agency to employ a women's business specialist who would assist women-owned businesses in obtaining federal contracts. This legislation, S. 1959, was introduced by my colleague from Maryland (Ms. Mikulski).

Equal Surety Bond Opportunity Act

The Equal Surety Bond Opportunity Act would create a federally-approved list of surety agencies and would make it unlawful for a federally-approved surety to discriminate against any applicant on the basis of race, color, religion, national origin, sex, or marital status. The legislation would also require a surety to notify bond applicants, upon request, about the status of their application within a reasonable time period and would entitle an applicant for a bond whose application has been denied to receive, upon request, a written statement of reasons for the denial. This legislation, S. 2611, was introduced by my colleagues from Illinois (Mr. Simon and Mr. Dixon).

Small Business Access to Surety Bonding Survey Act

The Surety Bonding bill would authorize a study to determine barriers that exist to women and minorities obtaining surety bonds and to recommend ways to overcome those barriers. This legislation, S. 2609, was introduced by my colleague from Pennsylvania (Mr. Wofford).

TITLE III—ECONOMIC JUSTICE

Pay Equity Technical Assistance Act

This provision would establish a clearinghouse within the Department of Labor (DOL) to disseminate information on pay equity efforts in the public and private sectors. Under the bill, DOL would undertake and promote research on job evaluation techniques that are free of bias and would provide technical assistance to persons or organizations voluntarily requesting assistance in eliminating discriminatory wage-setting practices. Earlier this session, I introduced this bill, S. 1856.

Legislative Pay Equity Study

This legislation would establish a bipartisan commission to select a private contractor to conduct a pilot study of the Library of Congress to determine whether workers are being paid according to the work they do—and not according to their sex or race. The commission would then report the study's findings and recommendations for a comprehensive plan to ensure pay equity within the entire legislative branch.

Assured Minimum Child Support Demonstration Projects

This bill would establish child support assurance demonstration projects which would be provided to six states to conduct projects for the purposes of establishing or improving a system of assured minimum child support payments.

Federal Council on Women Act

This bill would establish a 17 member council within the legislative branch to review, evaluate, and propose federal policy with respect to the economic problems of women, in particular women living in poverty, in the United States.

Title XX Social Services Block Grant Restoration Act

Title XX is the main source of federal funding for a wide range of increasingly needed social services such as child day care and protection from abuse or neglect. Title XX suffered a $600 million cut in OBRA 1981. This bill would restore $500 million to Title XX over the next three years and raise au-

thorization to $3.3 billion by 1994. This bill, S. 1189, was introduced by my colleague from Michigan, (Mr. Riegle).

TITLE IV—RETIREMENT EQUITY

Former Military Spouses

This legislation would amend the 1991 Department of Defense Authorization Act to allow all eligible former military spouses access to the new definition of disposable retirement pay, which prohibits military retirees from deducting private taxes and personal debts from their retirement benefits. This provision will ensure that such spouses have full access to retirement benefits.

Social Security Equity Act

This legislation would amend Title II of the Social Security Act to provide that the combined earnings of a husband and wife during the period of their marriage shall be divided equally and shared between them for benefit purposes, so as to recognize the economic contribution of each spouse to the marriage and ensure that each spouse will have Social Security protection in his or her own right. I and my colleague from Ohio (Mr. Metzenbaum) introduced this bill, S. 2635.

TITLE V—EQUAL REMEDIES

Equal Remedies Act

The Equal Remedies Act of 1991 would remove the limitations on damages in Section 1981A of the Civil Rights Act of 1991. This bill was introduced by my colleagues from Massachusetts (Mr. Kennedy) and Minnesota (Mr. Durenberger) as S. 2062.

CONCLUSION

Mr. President, I believe the focus of the EEA of 1992 on employment opportunities; women in business; economic justice; retirement equity and equal remedies will provide the attention needed to make significant progress during the 102d Congress on these issues which affect women. I am confident that, as in past years, major provisions of this session's EEA will be enacted and that we will succeed in moving closer to the goal of attaining economic equity for women and their families. Finally, I ask unanimous consent that a report on the background of EEA and the full text of the Economic Equity Act of 1992 be printed in the RECORD.

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

S. 2677

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Economic Equity Act".

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

TITLE I—EMPLOYMENT OPPORTUNITIES

Subtitle A—Women in Apprenticeship Occupations and Nontraditional Occupations Act

Sec. 101. Short title.
Sec. 102. Findings; statement of purpose.
Sec. 103. Definitions.
Sec. 104. Technical assistance.
Sec. 105. Eligible recipients.
Sec. 106. Outreach to employers and labor unions.
Sec. 107. Liaison role of Department of Labor.
Sec. 108. Study of the barriers to the participation of women in apprenticeable occupations and nontraditional occupations.
Sec. 109. Program authorization.

Subtitle B—Commission on the Advancement of Women in the Science and Engineering Work Forces Act

Sec. 111. Short title.
Sec. 112. Findings.
Sec. 113. Establishment.
Sec. 114. Duty of Commission.
Sec. 115. Membership.
Sec. 116. Director and staff of Commission; experts and consultants.
Sec. 117. Powers of Commission.
Sec. 118. Authorization of appropriations.
Sec. 119. Termination.

Subtitle C—Women and Minorities in Science and Mathematics

Sec. 121. Short title; preferences.
Sec. 122. Findings.
Sec. 123. Postsecondary programs for nontraditional students.
Sec. 124. Trio programs.
Sec. 125. Educator recruitment, retention, and development.
Sec. 126. Cooperative education.
Sec. 127. Graduate programs.
Sec. 128. Postsecondary improvement programs.

Subtitle D—Worker Retraining

Sec. 131. Short title.
Sec. 132. Findings and purpose.
Sec. 133. Definitions.
Sec. 134. Establishment of grant program.
Sec. 135. Authorization of appropriations.

TITLE II—WOMEN IN BUSINESS

Subtitle A—Act for Microenterprise

Sec. 201. Short title.
Sec. 202. Public assistance provisions.
Sec. 203. Unemployment compensation for individuals starting microenterprises.
Sec. 204. Eligibility of assistance for microenterprises under community development block grants and urban development action grants.
Sec. 205. Business loans to microenterprises.
Sec. 206. Treatment of microenterprise loans of savings associations as qualified thrift investments.
Sec. 207. Establishment of microenterprise division in each Federal banking agency.

Subtitle B—Microlend for the Future Act

Sec. 221. Short title.
Sec. 222. Microenterprise assistance program.
Sec. 223. Reports.
Sec. 224. Authorization of appropriations.
Sec. 225. Definitions.

Subtitle C—Women's Business Procurement Assistance Act of 1992

Sec. 231. Short title.
Sec. 232. Goal setting.
Sec. 233. Reporting.
Sec. 234. Subcontracting.
Sec. 235. Women-in-business specialists.
Sec. 236. Outreach.
Sec. 237. Establishment of the office of women's business ownership.

Subtitle D—Equal Surety Bond Opportunity Act

Sec. 241. Short title.
Sec. 242. Additional requirements regarding approval of sureties.
Sec. 243. Information for bond applicants and nondiscrimination.
Sec. 244. Civil penalties.
Sec. 245. Regulations.
Sec. 246. Effective date.

Subtitle E—Small Business Access to Surety Bonding Survey Act of 1992

Sec. 251. Short title.
Sec. 252. Survey.
Sec. 253. Report.

TITLE III—ECONOMIC JUSTICE

Subtitle A—Pay Equity Technical Assistance Act

Sec. 301. Short title.
Sec. 302. Statement of purpose.
Sec. 303. Program specifications.
Sec. 304. Definition.

Subtitle B—Legislative Pay Equity Study

Sec. 311. Declaration of policy.
Sec. 312. Commission.
Sec. 313. Functions of Commission.
Sec. 314. Staff of Commission.
Sec. 315. Compensation of members.
Sec. 316. Powers of Commission.
Sec. 317. Reports.
Sec. 318. Administrative provisions.
Sec. 319. Termination.

Subtitle C—Federal Council on Women Act

Sec. 321. Short title.
Sec. 322. Findings.
Sec. 323. Establishment of Council.
Sec. 324. Duties.
Sec. 325. Membership.
Sec. 326. Executive Director and staff.
Sec. 327. Powers.
Sec. 328. Annual report.
Sec. 329. Authorization of appropriations.

Subtitle D—Assured Minimum Child Support Projects

Sec. 331. Short title.
Sec. 332. Findings and purpose.
Sec. 333. Establishment of assured minimum child support projects.

Subtitle E—Social Services Block Grants

Sec. 341. Short title.
Sec. 342. Findings.
Sec. 343. Increase in authorization for block grants to states for social services.

TITLE IV—RETIREMENT EQUITY

Subtitle A—Military Retired Pay

Sec. 401. Applicability to previous divorces of change in rules for computing maximum former spouse share of military retired pay.

Subtitle B—Social Security Equity

Sec. 411. Short title.
Sec. 412. Sharing of earnings by married couples.
Sec. 413. Effective date.

TITLE V—EQUAL REMEDIES ACT OF 1992

Sec. 501. Short title.
Sec. 502. Equalization of remedies.

TITLE I—EMPLOYMENT OPPORTUNITIES

Subtitle A—Women in Apprenticeship Occupations and Nontraditional Occupations Act

SEC. 101. SHORT TITLE.

This subtitle may be cited as the "Women in Apprenticeship Occupations and Nontraditional Occupations Act".

SEC. 102. FINDINGS; STATEMENT OF PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) United States businesses now and for the remainder of the 20th century will face a dramatically different labor market than the market to which the businesses have become accustomed;

(2) two in every three new entrants to the work force will be women, and to meet labor needs such women must work in all occupa-

tional areas, including apprenticeable occupations and nontraditional occupations;

(3) women face significant barriers to full and effective participation in apprenticeable occupations and nontraditional occupations;

(4) the business community must be prepared to address the barriers that women have to such jobs, in order to successfully integrate the women into the work force; and

(5) few resources are available to employers and unions who need assistance in recruiting, training, and retaining women in apprenticeable occupations and other nontraditional occupations.

(b) PURPOSE.—It is the purpose of this subtitle to establish a program to—

(1) provide technical assistance to employers and labor unions to—

(A) encourage employment of women in apprenticeable occupations and nontraditional occupations;

(B) enable business to meet the challenge of Workforce 2000 by preparing employers to successfully recruit, train, and retain women in apprenticeable occupations and nontraditional occupations; and

(C) expand the employment and self-sufficiency options of women;

(2) provide grants to community-based organizations to deliver the technical assistance to employers and labor unions;

(3) promote the program to employers and labor unions to inform the employers and unions of the availability of the technical assistance;

(4) authorize the Secretary to serve as a liaison between employers, labor, and the community-based organizations providing technical assistance, through the national office and regional administrators of the Department of Labor; and

(5) conduct a comprehensive study to examine the barriers to the participation of women in apprenticeable occupations and nontraditional occupations and to develop recommendations for the workplace to eliminate such barriers.

SEC. 103. DEFINITIONS.

As used in this subtitle:

(1) COMMUNITY-BASED ORGANIZATION.—The term "community-based organization" has the meaning given the term in section 4(5) of the Job Training Partnership Act (29 U.S.C. 1501(5)).

(2) NONTRADITIONAL OCCUPATION.—The term "nontraditional occupation" means an occupation in nontraditional employment, as defined in section 4(30) of the Job Training Partnership Act.

(3) SECRETARY.—The term "Secretary" means the Secretary of Labor.

SEC. 104. TECHNICAL ASSISTANCE.

(a) GRANTS.—The Secretary shall establish and carry out a program to provide technical assistance to employers and labor unions, in order to assist in preparing the workplace to employ women in apprenticeable occupations and other nontraditional occupations. In carrying out the program, the Secretary may award grants to eligible community-based organizations to deliver the technical assistance.

(b) USE OF GRANTS.—An eligible community-based organization may use a grant awarded under subsection (a) to—

(1) develop outreach and orientation sessions to recruit women into the apprenticeable occupations and nontraditional occupations of the employers;

(2) develop preapprenticeable occupations or nontraditional skills training to prepare women for apprenticeable occupations or nontraditional occupations;

(3) provide ongoing orientations for employers, labor unions, and workers on creating a successful environment for women in apprenticeable occupations or nontraditional occupations;

(4) set up support groups and facilitating networks for women in nontraditional occupations on or off a job site to improve the retention of the women;

(5) set up a local computerized data base referral system to maintain a current list of tradeswomen who are available for work;

(6) serve as a liaison between tradeswomen and employers and tradeswomen and labor unions to address workplace issues related to gender; and

(7) conduct exit interviews with tradeswomen to evaluate the on-the-job experience of the women and to assess the effectiveness of the technical assistance program.

(c) PRIORITY.—In awarding grants under this subtitle, the Secretary shall give priority to applications from community-based organizations that—

(1) demonstrate experience preparing women to gain employment in apprenticeable occupations or other nontraditional occupations;

(2) demonstrate experience working with the business community to prepare the business community to place women in apprenticeable occupations or other nontraditional occupations;

(3) have tradeswomen or women in nontraditional occupations as active members of the organization, as either employed staff or board members; and

(4) have experience delivering technical assistance.

(d) APPLICATION.—Each community-based organization desiring to receive a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

SEC. 105. ELIGIBLE RECIPIENTS.

(a) SELECTION OF EMPLOYER AND LABOR UNIONS.—The Secretary shall select a total of 50 employers or labor unions to receive technical assistance under section 104.

(b) PRIORITY.—In selecting employers under subsection (a), the Secretary shall give priority to employers who are located in areas that have nontraditional employment and training programs specifically targeted to women.

(c) CONTENTS OF APPLICATION.—To be eligible to receive technical assistance under section 104, an employer or labor union requesting assistance shall submit an application for assistance to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. At a minimum, the application shall include—

(1) a description of the need for assistance;

(2) a description of the types of apprenticeable occupations or nontraditional occupations in which the employer or labor union would like to train or employ women;

(3) assurances that there are or will be suitable and appropriate positions available in the apprenticeable occupations program or in the nontraditional occupations being targeted; and

(4) commitments that all reasonable efforts shall be made to place women in apprenticeable occupations or nontraditional occupations.

SEC. 106. OUTREACH TO EMPLOYERS AND LABOR UNIONS.

(a) PROGRAM.—The Secretary shall establish an outreach program to inform employers and labor unions of the availability of technical assistance under section 104.

(b) EMPLOYERS.—The Secretary shall provide outreach to employers through organizations including the private industry councils established under section 102 of the Job Training Partnership Act (29 U.S.C. 1512) in each service delivery area established under section 101 of the Job Training Partnership Act (29 U.S.C. 1511).

(c) LABOR UNIONS.—The Secretary shall provide outreach to labor unions through community-based organizations including building trade councils, joint apprenticeable occupations councils, and individual unions.

SEC. 107. LIAISON ROLE OF DEPARTMENT OF LABOR.

(a) IN GENERAL.—The Secretary shall serve as a liaison between employers, labor unions, and the community-based organizations.

(b) ACTIVITIES.—The liaison role may include—

(1) coordination of employers and labor unions with community-based organizations that have been certified to provide technical assistance;

(2) conducting regular assessment meetings with representatives of—

(A) the employers;

(B) labor unions (if applicable); and

(C) the community groups; and

(3) seeking employer and labor union input on technical assistance strategies and recommendations for improvement.

SEC. 108. STUDY OF THE BARRIERS TO THE PARTICIPATION OF WOMEN IN APPRENTICEABLE OCCUPATIONS AND NONTRADITIONAL OCCUPATIONS.

(a) STUDY.—The Secretary shall conduct a study of the participation of women in apprenticeable occupations and nontraditional occupations, which study shall examine—

(1) the barriers to participation of women in apprenticeable occupations and nontraditional occupations;

(2) strategies for overcoming such barriers;

(3) the retention rates for women in apprenticeable occupations and nontraditional occupations;

(4) strategies for retaining women in apprenticeable occupations and nontraditional occupations;

(5) the effectiveness of the technical assistance provided by the community-based organizations; and

(6) other relevant issues affecting the participation of women in apprenticeable occupations and nontraditional occupations.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of the Congress a report containing the study described in subsection (a) and such recommendations as the Secretary determines to be appropriate.

SEC. 109. PROGRAM AUTHORIZATION.

There are authorized to be appropriated to carry out this subtitle, $1,000,000 for fiscal year 1993.

Subtitle B—Commission on the Advancement of Women in the Science and Engineering Work Forces Act

SEC. 111. SHORT TITLE.

This subtitle may be cited as the "Commission on the Advancement of Women in the Science and Engineering Work Forces Act".

SEC. 112. FINDINGS.

Congress finds that—

(1) despite a consistently high presence of women in the professional and total work forces of the United States, women continue to be underrepresented in the science and engineering work forces;

(2) women scientists and engineers have higher rates of unemployment and underemployment than their male counterparts, although the number of women receiving degrees in scientific and engineering disciplines has increased since 1981;

(3) artificial barriers exist in the recruitment, retention, and advancement of women in the science and engineering work forces;

(4) academia, industry, and government are increasingly aware of the necessity of, and the advantages derived from, diverse science and engineering work forces;

(5) initiatives of the White House Task Force on Women, Minorities, and the Handicapped in Science and Technology and of the Federal Coordinating Council on Science, Engineering, and Technology have been instrumental in raising public awareness of—

(A) the underrepresentation of women in the science and engineering work forces; and

(B) the desirability of eliminating artificial barriers to the recruitment, retention, and advancement of women in such work forces; and

(6) the establishment of a commission to examine issues raised by these initiatives would help to—

(A) focus greater attention on the importance of eliminating artificial barriers to the recruitment, retention, and advancement of women in the science and engineering work forces and in all employment sectors of the United States;

(B) promote work force diversity;

(C) sensitize employers to the need to recruit and retain women scientists and engineers in order to overcome projected shortfalls within the science and engineering work forces of the United States during the next 20 years; and

(D) encourage the replication of successful recruitment and retention programs by universities, corporations, and Federal agencies having difficulties in employing women scientists and engineers.

SEC. 113. ESTABLISHMENT.

There is established a Commission on the Advancement of Women in the Science and Engineering Work Forces (referred to in this subtitle as the "Commission").

SEC. 114. DUTY OF COMMISSION.

(a) STUDY.—The Commission shall conduct a study to—

(1) examine the need in the United States for women in the science and engineering work forces, the specific types of occupations in which women scientists and engineers are needed, and the number of women needed in each such occupation;

(2) examine the preparedness of women to—

(A) pursue careers in the science and engineering work forces; and

(B) advance to positions of greater responsibility within academia, industry, and government;

(3) research the practices, policies, and manner relating to the recruitment, retention, and advancement of women scientists and engineers;

(4) identify the opportunities for, and artificial barriers to, the recruitment, retention, and advancement of women scientists and engineers in academia, industry, and government;

(5) research the employment scenarios in which the recruitment and promotion of women scientists and engineers are comparable to their male counterparts, and identify scenarios in which such comparability does not exist;

(6) compile a synthesis of available research on programs and practices that have successfully led to the recruitment and retention of women in the science and engineering work forces, including training programs, rotational assignments, developmental programs, reward programs, employee benefit structures, and family leave policies; and

(7) examine such other issues and information relating to the advancement of women in the science and engineering work forces as are determined by the Commission to be appropriate.

(b) REPORT.—Not later than 2 years after the date on which the initial appointments to the Commission are completed, the Commission shall submit to the President and the appropriate committees of the Congress a written report containing—

(1) the findings and conclusions of the Commission resulting from the study conducted under subsection (a); and

(2) recommendations based on the findings and conclusions referred to in paragraph (1).

SEC. 115. MEMBERSHIP.

(a) COMPOSITION.—The Commission shall be composed of 17 members, including—

(1) 5 members appointed by the President;

(2) 3 members appointed jointly by the Speaker of the House of Representatives and the Majority Leader of the Senate;

(3) 1 member appointed by the Majority Leader of the House of Representatives;

(4) 1 member appointed by the Minority Leader of the House of Representatives;

(5) 1 member appointed by the Majority Leader of the Senate;

(6) 1 member appointed by the Minority Leader of the Senate;

(7) 2 Members of the House of Representatives appointed jointly by the Majority Leader and the Minority Leader of the House of Representatives;

(8) 2 Senators appointed jointly by the Majority Leader and the Minority Leader of the Senate; and

(9) the Director of the Office of Science and Technology Policy, in the Executive Office of the President.

(b) ADDITIONAL QUALIFICATIONS.—In making appointments under subsection (a), the appointing authority shall consider (among other factors) whether an individual—

(1) is a member of an organization representing women and minorities;

(2) holds executive management or senior decisionmaking positions in any business entity; and

(3) possesses academic expertise or other recognized abilities relating to employment and employment discrimination issues.

(c) POLITICAL AFFILIATION.—Not more than one-half of the members appointed under subsection (a) from individuals who are officers or employees of the United States may be of the same political party.

(d) CONTINUATION OF MEMBERSHIP.—If a member is appointed to the Commission because the member is an officer or employee of any government and later ceases to be such an officer or employee, the member may continue as a member of the Commission for not longer than the 60-day period beginning on the date the member ceases to be such an officer or employee.

(e) TERMS.—

(1) IN GENERAL.—Each member of the Commission shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the membership of the Commission shall be filled in the manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

(f) COMPENSATION.—

(1) RATES OF COMPENSATION.—Except as provided in paragraph (2), each member of the Commission shall receive compensation at the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Commission, including attendance at meetings and conferences of the Commission, and travel to conduct the duties of the Commission.

(2) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Except as provided in subsection (g), members of the Commission who are full-time officers or employees of the United States or Members of Congress may not receive additional pay, allowances, or benefits by reason of service on the Commission.

(g) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(i) CHAIRPERSON.—The Director of the Office of Science and Technology Policy shall serve as the Chairperson of the Commission.

(j) MEETINGS.—

(1) MEETINGS PRIOR TO COMPLETION OF REPORT.—The Commission shall meet not fewer than 5 times in connection with and pending the completion of the report described in section 114(b). The Commission shall hold additional meetings if the Chairperson or a majority of the members of the Commission request the additional meetings in writing.

(2) MEETINGS AFTER COMPLETION OF REPORT.—The Commission shall meet at least once each year after the completion of the report described in section 114(b) for the purpose of conducting additional studies. The Commission shall hold additional meetings if the Chairperson or a majority of the members of the Commission request the additional meetings in writing.

(k) EMPLOYMENT STATUS.—A member of the Commission, who is not otherwise an officer or employee of the Federal Government, shall not be deemed to be an employee of the Federal Government except for the purposes of—

(1) the tort claims provisions of chapter 171 of title 28, United States Code; and

(2) subchapter I of chapter 81 of title 5, United States Code, relating to compensation for work injuries.

SEC. 116. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Chairperson. The Director shall be paid at a rate not to exceed the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) STAFF.—Subject to rules prescribed by the Commission, the Chairperson may appoint, terminate, and determine the compensation of such additional personnel as the Chairperson considers appropriate.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title re-

lating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist the Commission in carrying out its duties under this subtitle.

SEC. 117. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, administer such oaths or affirmations to witnesses appearing before the Commission, make such expenditures, and take such other actions as the Commission considers appropriate to carry out the duties of the Commission.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out this subtitle. Upon request of the Chairperson of the Commission, the head of the department or agency shall furnish any information available under section 552 of title 5, United States Code, to the Commission.

(d) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this subtitle.

(g) CONTRACT AUTHORITY.—The Commission may contract with and compensate government and private agencies or persons for the purpose of conducting research or surveys, and for other services, necessary to enable the Commission to carry out the duties of the Commission under this subtitle.

SEC. 118. AUTHORIZATION OF APPROPRIATIONS.

Amounts shall be made available to carry out this subtitle only to the extent such amounts are made available in advance in appropriations Acts.

SEC. 119. TERMINATION.

Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), relating to the termination of advisory committees, shall not apply to the Commission.

Subtitle C—Women and Minorities in Science and Mathematics

SEC. 121. SHORT TITLE; PREFERENCES.

(a) SHORT TITLE.—This subtitle may be cited as the "Women and Minorities in Science and Mathematics Act of 1992".

(b) REFERENCES.—References in this subtitle to "the Act" are references to the Higher Education Act of 1965.

SEC. 122. FINDINGS.

The Congress finds that—

(1) the United States is suffering from a severe and worsening shortage of scientists which threatens our Nation's ability to compete internationally, and if present patterns continue, the United States will experience a net shortfall of approximately 750,000 scientists and engineers by the year 2000;

(2) although women constitute approximately 50 percent of the total professional work force of the United States, women represent only 13 percent of our Nation's scientists and engineers, and although African-Americans constitute over 10 percent of the total United States work force, African-Americans represent only 2.6 percent of our Nation's scientists and engineers, indicating that women and African-Americans represent a vast untapped resource on which our Nation's future competitiveness depends; and

(3) in order to spur more women and minorities who are underrepresented in the fields of science and mathematics to enter and succeed in such fields, women and minorities must receive appropriate support in secondary, postsecondary, and graduate educational institutions, including counseling and student aid, and in addition, the United States must provide proper training for mathematics and science teachers and recruit such women and underrepresented minorities as teachers in such fields.

SEC. 123. POSTSECONDARY PROGRAMS FOR NONTRADITIONAL STUDENTS.

(a) PURPOSE.—Paragraph (2) of section 111(a) of the Act (20 U.S.C. 1011(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (F); and

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

"(H) who are women and minorities underrepresented in the fields of science and mathematics and are seeking entry into such fields; and".

(b) USE OF GRANT FUNDS.—Subsection (b) of section 111 of the Act (20 U.S.C. 1011(b)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting "; and"; and

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

"(10) the creation or expansion of education programs in the fields of science and mathematics for women and minorities who are underrepresented in such fields.".

(c) OFF-CAMPUS PROGRAMS.—Paragraph (2) of section 112(c) of the Act (20 U.S.C. 1012(c)(2)) is amended—

(1) by striking "and" at the end of subparagraph (F);

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph:

"(G) describe how the applicant will provide for the training of faculty and staff in order to enable such faculty and staff to develop off-campus education programs designed to encourage women and minorities who are underrepresented in the fields of science and mathematics to enter such fields; and".

(d) ADULT AND CONTINUING EDUCATION STAFF DEVELOPMENT.—Subsection (b) of section 113 of the Act (20 U.S.C. 1013(b)) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

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

"(4) programs designed to enhance the pedagogical skills of staff involved in programs offering education in the fields of science and mathematics for women and minorities who are underrepresented in such fields.".

(e) ADULT LEARNING.—Section 121 of the Act (20 U.S.C. 1016) is amended—

(1) in subsection (b)—

(A) by striking "and" at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting "; and"; and

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

"(9) supporting model training for women and minorities who are underrepresented in the fields of science and mathematics and are seeking work in such fields."; and

(2) in subsection (c)—

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

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

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

"(3) provide assurances that the institution of higher education has given consideration to providing assistance under this section to women and minorities who are underrepresented in the fields of science and mathematics.".

SEC. 124. TRIO PROGRAMS.

(a) TALENT SEARCH.—Subsection (a) of section 417B of the Act (20 U.S.C. 1070d-1(a)) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

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

"(4) to encourage women to enter the fields of science and mathematics.".

(b) UPWARD BOUND.—Subsection (b) of section 417C of the Act (20 U.S.C. 1070d-1a(b)) is amended—

(1) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) academic advice and assistance in secondary school course selection for girls and minorities in order to prepare such girls and minorities to enter fields in which such girls and minorities have been underrepresented, such as science, mathematics, and technology;".

SEC. 125. EDUCATOR RECRUITMENT, RETENTION, AND DEVELOPMENT.

(a) PURPOSE.—Section 501 of the Act (20 U.S.C. 1101) is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

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

"(7) to provide scholarship assistance to encourage women and minorities who are underrepresented in the fields of science and mathematics to teach in such fields.".

(b) MIDCAREER TEACHER TRAINING FOR NONTRADITIONAL STUDENTS.—

(1) PURPOSE.—Section 511 of the Act (20 U.S.C. 1103) is amended by inserting "particularly women and minorities who are moving to a career in education related to the fields of science and mathematics" before the period.

(2) APPLICATIONS.—Subsection (a) of section 513 of the Act (20 U.S.C. 1103b(a)) is amended—

(A) in paragraph (1), by inserting ", and science and mathematics" before the semicolon at the end thereof; and

(B) in paragraph (5), by inserting "and science and mathematics specialists" after "specialists".

(c) SCHOOL, COLLEGE, AND UNIVERSITY PARTNERSHIPS.—Section 523 of the Act (20 U.S.C. 1105b) is amended—

(1) in subsection (b)—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; and"; and

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

"(6) are designed to encourage women and minorities who are underrepresented in the fields of science and mathematics to pursue such fields."; and

(2) in subsection (c)—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting "; and"; and

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

"(4) programs which encourage women and minorities who are underrepresented in the fields of science and mathematics to pursue such fields.".

(d) PROFESSIONAL DEVELOPMENT AND LEADERSHIP PROGRAMS.—

(1) PURPOSE.—Paragraph (4) of section 531(b) of the Act (20 U.S.C. 1107(b)(4)) is amended by inserting ", and science and mathematics instruction" after "development".

(2) USE OF FUNDS.—Subsection (c) of section 533 of the Act (20 U.S.C. 1107b(c)) is amended—

(A) by striking "and" at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting "; and"; and

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

"(8) providing professional development opportunities for women and minorities who are underrepresented in the fields of science and mathematics.".

(e) APPLICATIONS.—Subsection (b) of section 535 of the Act (20 U.S.C. 1107d(b)) is amended—

(1) in paragraph (1), by inserting "and science and mathematics specialists" after "specialists"; and

(2) in paragraph (4), by inserting ", including an assessment of the participation in center activities of women and minorities who are underrepresented in the fields of science and mathematics" after "activities".

(f) CONGRESSIONAL TEACHER SCHOLARSHIPS.—

(1) PURPOSE.—Subsection (a) of section 551 of the Act (20 U.S.C. 1111(a)) is amended by inserting ", and to encourage women and minorities who are underrepresented in the fields of science and mathematics to pursue teaching careers in such fields" before the period.

(2) APPLICATIONS.—Section 553 of the Act (20 U.S.C. 1111b) is amended—

(A) in paragraph (8) of subsection (b)—

(i) by striking "or who" and inserting ", students who"; and

(ii) by inserting ", or students who show interest in pursuing teaching careers in science and mathematics, especially women and minorities who are underrepresented in such fields" before the semicolon; and

(B) in subparagraph (A) of subsection (d)(2), by inserting "and science and mathematics" after "development".

(g) SELECTION.—Subsection (b) of section 555 of the Act (20 U.S.C. 1111d(b)) is amended by inserting: "Such criteria shall include providing special consideration to women and minorities who are underrepresented in the fields of science and mathematics and are seeking to enter the teaching profession in such fields." before the last sentence.

SEC. 126. COOPERATIVE EDUCATION.

Paragraph (2) of section 803(a) of the Act (20 U.S.C. 1133b(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the comma at the end of subparagraph (E) and inserting "; and"; and

(3) by adding before the matter following subparagraph (E) the following new subparagraph:

"(F) encourage model and cooperative education in the fields of science and mathematics for women and minorities who are underrepresented in such fields,".

SEC. 127. GRADUATE PROGRAMS.

(a) PROGRAM AUTHORITY.—Section 901 of the Act (20 U.S.C. 1134) is amended by inserting "including minority women who are underrepresented in the fields of science and mathematics," after "graduate education,".

(b) CONTENTS OF APPLICATIONS.—Paragraph (2) of section 902(a) of the Act (20 U.S.C. 1134a(a)(2)) is amended by inserting ", and identifying and recruiting minority women who are underrepresented in the fields of mathematics and science" before the semicolon.

(c) HARRIS FELLOWSHIPS.—Section 922 of the Act (20 U.S.C 1134e) is amended—

(1) in paragraph (3) of subsection (d)—

(A) by inserting "women and" after "large number"; and

(B) by inserting "and specific academic and employment fields" after "colleges and universities"; and

(2) in subsection (e)—

(A) in paragraph (1), by striking "and" after the semicolon;

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

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

"(3) women interested in entering the fields of science and mathematics.".

(d) AREAS OF NATIONAL NEED.—

(1) DESIGNATION OF AREAS.—Subsection (b) of section 943 of the Act (20 U.S.C. 1134n(b)) is amended by adding at the end the following new sentence: "In making such designations, the Secretary shall give special consideration to the fields of science and mathematics in which women and minorities are underrepresented.".

(2) CONTENTS OF APPLICATIONS.—Subsection (b) of section 944 of the Act (20 U.S.C. 1134o(b)) is amended—

(A) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(B) by inserting after paragraph (3) the following new paragraph:

"(4) set forth policies and procedures to assure that, in making fellowship awards under this part the institution will award such fellowships to talented women and minorities for study in the fields of science and mathematics;".

SEC. 128. POSTSECONDARY IMPROVEMENT PROGRAMS.

(a) MINORITY SCIENCE IMPROVEMENT PROGRAMS.—Subsection (b) of section 1021 of the Act (20 U.S.C. 1135b(b)) is amended by inserting "and minority women" after "ethnic minorities".

(b) SCIENCE AND ENGINEERING ACCESS.—Paragraph (5) of section 1033 of the Act (20 U.S.C. 1135c-2(5)) is amended by inserting ", particularly minority women," after "minority students".

Subtitle D—Worker Retraining

SEC. 131. SHORT TITLE.

This subtitle may be cited as the "Worker Retraining Act of 1992".

SEC. 132. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) by the year 2000—

(A) only 4 percent of new jobs in the United States will be available for individuals with low skill levels;

(B) 41 percent of such new jobs will require individuals with high skill levels;

(C) almost 86 percent of all jobs in the United States will require individuals who have at least a high school education; and

(D) the majority of all jobs in the United States will require individuals who have completed at least 2 years of postsecondary education;

(2) almost 70 percent of all businesses in the United States spend less than $2,000 annually on training for individuals hired at entry level positions and only 8 percent of such businesses undertake basic work skills training for such individuals; and

(3) more than 50 percent of the employees of such businesses are women and minorities, 2 groups that have traditionally received insufficient education and job training.

(b) PURPOSE.—The purpose of this subtitle Act is to provide grants to establish pilot programs to retrain individuals who are in low paying and low skill jobs in order to reduce unemployment and increase the pool of skilled workers in the United States.

SEC. 133. DEFINITIONS.

As used in this subtitle:

(1) LOW-INCOME INDIVIDUAL.—The term "low-income individual" means, with respect to an individual employed by an industry in a region, an individual (including an individual employed part time) whose income attributable to performing services in such industry does not exceed 80 percent of the median income of all individuals attributable to performing services in such industry in the region (as the individual and median income are determined by the State agency for the State in which the individual is employed).

(2) REGION.—The term "region" means a region designated by the Secretary under section 134(b)(2).

(3) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(4) STATE AGENCY.—The term "State agency" means, with respect to a State, the agency carrying out the State worker retraining program described in section 134(d).

SEC. 134. ESTABLISHMENT OF GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall, for each fiscal year for which amounts are appropriated under section 135, provide grants to not more than 10 eligible States for the purpose of assisting such States in planning, establishing, and operating worker retraining initiatives to allow low-income individuals employed in an industry to advance from low skill positions to higher skill positions in the industry.

(b) SELECTION OF STATES.—

(1) SELECTION REQUIREMENTS.—In selecting States to receive grants under subsection (a), the Secretary shall—

(A) select States that the Secretary believes will administer the most appropriate worker retraining initiatives; and

(B) to the extent practicable, ensure that such States receiving grants are equitably distributed among the regions.

(2) REGIONAL DESIGNATION.—The Secretary shall designate areas as regions of the United States for purposes of this subtitle. In designating the regions, the Secretary shall consider the 10 regions of the United States that are used by the Bureau of Labor Statistics for purposes of establishing regional offices.

(c) APPLICATION.—To be eligible to receive a grant under subsection (a), a State shall submit to the Secretary an application that contains—

(1) a description of the activities of the proposed worker retraining initiative of the State, including assurances that such initiative will—

(A) train only low-income individuals for the purpose of improving the essential work skills needed by such individuals to advance from low skill positions to higher skill positions in the industry in which such individuals are employed; and

(B) be administered under the State worker retraining program;

(2) assurances satisfactory to the Secretary that such State—

(A) will provide funds from non-Federal sources for such initiative in an amount equal to not less than $1 for each $2 of Federal funds provided in such grant; and

(B) will not reduce the funding of State worker retraining programs in operation on the date of enactment of this Act; and

(3) such other information as the Secretary determines to be appropriate.

(d) ELIGIBILITY.—States eligible to receive a grant under subsection (a) shall be States that administer a State worker retraining program in operation on the date of enactment of this Act.

(e) STATE REPORT.—

(1) IN GENERAL.—Each State shall submit a report to the Secretary for each grant received by the State under subsection (a) containing such information as the Secretary determines to be appropriate, including—

(A) statistics relating to the sex, race, and age of the low-income individuals participating in the worker retraining initiative funded by such grant;

(B) an analysis of the different industries in which such individuals work and the positions held by such individuals; and

(C) a description of the extent to which the State believes the initiative to have been successful.

(2) TIME LIMIT.—The report required by paragraph (1) shall be submitted not later than 13 months after the date on which the grant (to which the report relates) is received.

(f) REPORT TO CONGRESS.—The Secretary shall submit a report to the Congress not later than January 1, 1996, containing—

(1) a compilation of the information contained in the annual State reports received by the Secretary in accordance with subsection (e); and

(2) an evaluation of the worker retraining initiative of each State.

SEC. 135. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle $10,000,000 for each of the fiscal years 1993, 1994, and 1995.

(b) LIMITATION.—Amounts shall be available under this subtitle only to the extent the amounts are made available in advance in appropriations Acts.

TITLE II—WOMEN IN BUSINESS

Subtitle A—Act for Microenterprise

SEC. 201. SHORT TITLE.

This subtitle may be cited as the "Act for Microenterprise".

SEC. 202. PUBLIC ASSISTANCE PROVISIONS.

(a) BUSINESS ASSETS EXCLUDED FROM RESOURCES AND INCOME.—

(1) AFDC.—Section 402(a)(8)(A) of the Social Security Act (42 U.S.C. 602(a)(8)(A)) is amended—

(A) by striking "and" at the end of clause (vii); and

(B) by inserting after clause (viii) the following:

"(ix) shall disregard any asset of (including any amount received as a loan by) a child, relative, or other individual specified in clause (ii) which is primarily used in a trade or business carried on by such individual; and".

(2) SSI.—

(A) EXCLUSION FROM INCOME.—Section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)) is amended—

(i) by striking "and" at the end of paragraph (18);

(ii) in paragraph (19), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(20) any asset of (including any amount received as a loan by) such individual (or such spouse) which is primarily used in a trade or business carried on by such individual.".

(B) EXCLUSION FROM RESOURCES.—Section 1613(a) of the Social Security Act (42 U.S.C. 1382b(a)) is amended—

(i) by striking "and" at the end of paragraph (9);

(ii) in paragraph (10), the first place it appears, by striking the period at the end and inserting a semicolon;

(iii) by redesignating paragraph (10), the second place it appears, as paragraph (11);

(iv) in paragraph (11), as redesignated, by striking the period and inserting "; and"; and

(v) by inserting after paragraph (11), as redesignated, the following:

"(12) any asset of (including any amount received as a loan by) such individual (or such spouse) which is primarily used in a trade or business carried on by such individual.".

(b) PUBLIC ASSISTANCE BENEFITS EXTENDED FOR PERSONS WITH INCOME FROM OR RESOURCES IN A MICROENTERPRISE.—

(1) AFDC AND MEDICAID.—Section 402(a) of the Social Security Act (42 U.S.C. 602(a)) is amended by inserting after paragraph (28) the following:

"(29) notwithstanding paragraphs (7) and (8), provide that, during the 1-year period beginning on the first day any member of a family eligible for benefits under the State plan sells any good or service as part of operating a commercial enterprise with 5 or fewer employees, 1 or more of whom own the enterprise, all income of such family member attributable to the enterprise and all resources in which such family member has a beneficial interest used primarily in the enterprise shall be disregarded in determining the amount of aid to which the family is entitled under the State plan;".

(2) SSI AND MEDICAID.—

(A) EXCLUSION FROM INCOME.—Section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)), as amended by subsection (a)(2)(A) of this section, is amended—

(i) by striking "and" at the end of paragraph (19);

(ii) in paragraph (20), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(21) during the 1-year period beginning on the first day such individual (or such spouse) sells any good or service as part of operating a commercial enterprise with 5 or fewer employees, 1 or more of whom own the enterprise, all income of such individual (or such spouse) attributable to the enterprise.".

(B) EXCLUSION FROM RESOURCES.—Section 1613(a) of the Social Security Act (42 U.S.C. 1382b(a)), as amended by subsection (a)(2)(B) of this section, is amended—

(i) by striking "and" at the end of paragraph (11);

(ii) in paragraph (12), by striking the period and inserting "; and"; and

(iii) by inserting after paragraph (12) the following:

"(13) during the 1-year period beginning on the first day such individual (or such spouse) sells any good or service as part of operating a commercial enterprise with 5 or fewer employees, 1 or more of whom own the enterprise, all resources of such individual (or such spouse) that are used primarily in the enterprise.".

SEC. 203. UNEMPLOYMENT COMPENSATION FOR INDIVIDUALS STARTING MICROENTERPRISES.

(a) STATE LAW REQUIREMENTS.—Subsection (a) of section 3304 of the Internal Revenue Code of 1986 (relating to State law requirements) is amended by striking "and" at the end of paragraph (17), by redesignating paragraph (18) as paragraph (19), and by inserting after paragraph (17) the following new paragraph:

"(18) compensation shall be payable to individuals starting microenterprises as provided in section 203(b) of the Act for Microenterprise; and".

(b) PAYMENT OF COMPENSATION TO INDIVIDUALS STARTING MICROENTERPRISES.—

(1) IN GENERAL.—For purposes of section 3304(a)(18) of the Internal Revenue Code of 1986, a State law shall provide that—

(A) each individual who is an eligible individual with respect to any benefit year shall be entitled to receive regular or extended unemployment compensation, as the case may be, without regard to any State or Federal requirements relating to availability for work, active search for work, or refusal to accept suitable work; and

(B) such individual shall be considered to be unemployed for purposes of the State and Federal laws applicable to unemployment compensation, as long as the individual performs services in the microenterprise.

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

(A) ELIGIBLE INDIVIDUAL.—The term "eligible individual" means, with respect to any benefit year, an individual who—

(i) is eligible to receive regular or extended compensation under the State law during such benefit year;

(ii) is starting a microenterprise; and

(iii) submits an application to the State agency for compensation under this subsection.

(B) MICROENTERPRISE.—The term "microenterprise" means any unincorporated trade or business with 5 or fewer employees, 1 or more of whom own the enterprise.

(C) OTHER TERMS.—The terms "compensation", "extended compensation", "regular compensation", "benefit year", "State", and "State law" have the respective meanings given to such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970.

SEC. 204. ELIGIBILITY OF ASSISTANCE FOR MICROENTERPRISES UNDER COMMUNITY DEVELOPMENT BLOCK GRANTS AND URBAN DEVELOPMENT ACTION GRANTS.

(a) IN GENERAL.—Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (19), by striking "and" at the end;

(2) in paragraph (20), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(21) provision of assistance—

"(A) to lending institutions and other organizations and agencies, in the form of amounts to be made available for loans to commercial enterprises with 5 or fewer employees, 1 or more of whom own the enterprise, such loans to be in amounts not less than $50 and not more than $5,000, the interest rate on which shall be comparable to the interest rate charged on secured commercial loans made in the county in which such enterprise is located; and

"(B) public and private organizations and agencies for providing counseling, technical assistance, educational programs, planning, and training to facilitate the development, establishment, and operation of commercial enterprises described in subparagraph (A).".

(b) APPLICABILITY.—The amendment made by this section shall apply to any amounts made available pursuant to sections 103 and 119 of the Housing and Community Development Act of 1974 (42 U.S.C. 5303 and 5318) for fiscal year 1993 and any succeeding fiscal year.

SEC. 205. BUSINESS LOANS TO MICROENTERPRISES.

Section 2 of the Small Business Act (15 U.S.C. 631) is amended by adding after subsection (h) the following:

"(i) LOANS TO MICROENTERPRISES.—The Congress finds that in implementing business loan programs under section 7(a) of this Act and title V of the Small Business Investment Act of 1958, the Administrator should give due consideration to the needs of microenterprises and institutions which offer credit or services to microenterprises. For purposes of this subsection, the term 'microenterprises' means commercial enterprises with 5 or fewer employees, 1 or more of whom owns the enterprise.".

SEC. 206. TREATMENT OF MICROENTERPRISE LOANS OF SAVINGS ASSOCIATIONS AS QUALIFIED THRIFT INVESTMENTS.

(a) IN GENERAL.—Section 10(m)(4)(B)(i) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(4)(B)(i)) is amended by inserting ", or to microenterprise loans" before the semicolon.

(b) MICROENTERPRISE LOAN DEFINED.—Section 10(m)(4) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(4)) is amended by adding at the end the following:

"(D) MICROENTERPRISE LOAN.—The term 'microenterprise loan' means a loan—

"(i) to a commercial enterprise with 5 or fewer employees, 1 or more of whom own the enterprise;

"(ii) in an amount that is not less than $50 and not more than $5,000; and

"(iii) the interest rate on which is comparable to the interest rate charged on secured commercial loans made in the county in which such enterprise is located.".

SEC. 207. ESTABLISHMENT OF MICROENTERPRISE DIVISION IN EACH FEDERAL BANKING AGENCY.

(a) IN GENERAL.—Each appropriate Federal banking agency, as defined in section 3 of the Federal Deposit Insurance Act, shall establish a division to be known as the "Microenterprise Technical and Operations Office" to promote microenterprises by offering technical assistance, training, outreach, and other support to groups and individuals engaged in or desiring to establish a microenterprise or an institution which offers credit or services to microenterprises.

(b) DUTIES OF MICROENTERPRISE DIVISION.—The Microenterprise Technical and Operations Office of each Federal banking agency shall—

(1) facilitate the creation and financing of microenterprises by collecting information relating to microenterprises and providing such information without charge to interested persons, and generally serving as a clearinghouse for information relating to microenterprises; and

(2) monitor and provide assistance to the microenterprises.

(c) MICROENTERPRISE DEFINED.—As used in this section, the term "microenterprise" means any commercial enterprise with 5 or fewer employees, 1 or more of whom owns the enterprise.

Subtitle B—Microlend for the Future Act

SEC. 221. SHORT TITLE.

This subtitle may be cited as the "Microlend for the Future Act".

SEC. 222. MICROENTERPRISE ASSISTANCE PROGRAM.

(a) AUTHORITY TO MAKE LOANS AND GRANTS.—

(1) IN GENERAL.—Subject to the requirements of this section, the Administrator is authorized to make loans and grants to community-based organizations for the purpose of assisting in the startup and expansion of microenterprises located in the United States.

(2) FINANCIAL INTERMEDIARIES.—The Administrator may make loans and grants to community-based organizations under this subsection, either directly or in cooperation with a financial intermediary, under an agreement entered into with the intermediary to carry out this section. Any such agreement shall contain terms limiting the interest rate and other fees which the intermediary may charge on a loan to a community-based organization under this subsection.

(b) LOANS TO COMMUNITY-BASED ORGANIZATIONS.—

(1) APPLICATIONS.—An application of a community-based organization for a loan under subsection (a) shall be in such form as the Administrator may require, and shall contain—

(A) a description of the organization's ability to conduct a lending and technical assistance program under this section;

(B) a description of the geographic area in which the organization plans to conduct such a program and the average household income of the residents of the area; and

(C) such other information as the Administrator may require.

(2) LENDING AGREEMENT.—Before making a loan to a community-based organization under subsection (a), the Administrator shall enter into an agreement with the organization under which the organization shall agree—

(A) to use all amounts of the loan to carry out a program for making loans to microenterprises in accordance with subsection (c);

(B) to make payments on the loan in accordance with a schedule contained in the agreement;

(C) to carry out a technical assistance program in accordance with subsection (d); and

(D) to transmit to the Administrator, on or before the last day of each of the first 6 fiscal years beginning after the date of the loan, an annual report containing a description of—

(i) the use of the loan funds by the organization,

(ii) the technical assistance program conducted by the organization pursuant to subsection (d), and

(iii) the progress made by microenterprises receiving financial and technical assistance from the organization under this section.

(3) MAXIMUM AMOUNT.—The aggregate amount received by a community-based organization under subsection (a) may not exceed $100,000 in any fiscal year.

(4) TERM AND INTEREST RATE.—A loan made to a community-based organization under subsection (a) shall—

(A) be for a term, including renewals, of not longer than 10 years, beginning on the date of the loan; and

(B) bear interest at an annual rate of 2 percent.

(c) LOANS TO MICROENTERPRISES.—

(1) IN GENERAL.—Loans made under subsection (a) to a community-based organization shall be used by the organization to carry out a program for making loans to microenterprises in accordance with this subsection.

(2) LENDING AGREEMENT.—Before making a loan to a microenterprise under this subsection, a community development organization shall enter into an agreement with the microenterprise under which the microenterprise shall agree—

(A) to use all amounts of the loan in accordance with criteria contained in the agreement;

(B) to make payments on the loan in accordance with a schedule contained in the agreement; and

(C) to participate, both before and after the date of the loan, in a technical assistance program carried out by the organization pursuant to subsection (d).

(3) MAXIMUM AMOUNT.—The total amount received by a microenterprise in loans under this subsection shall not exceed $10,000.

(4) TERM AND INTEREST RATE.—Loans made to a microenterprise under this subsection shall—

(A) be for a term, including renewals, of not longer than 10 years, beginning on the date of the loan, and

(B) bear interest at a rate equal to the current average market yield for similar loans made by banks and other financial institutions (adjusted to the nearest one-eighth of one percent), as determined by the Administrator.

(d) GRANTS TO COMMUNITY-BASED ORGANIZATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (3), a community-based organization which receives a loan under subsection (a) shall also receive a grant under subsection (a) on the date of the loan and in each of the 4 succeeding fiscal years.

(2) USE OF GRANTS.—Grants to a community-based organization under subsection (a) shall be used by the organization to carry out a program for providing technical assistance to microenterprises receiving loans from the organization under subsection (c). Such a program may include assistance for—

(A) remediation of basic mathematics, language, and writing skills,

(B) personal development, and

(C) the assessment, development, marketing, finance, sales, and business planning of the microenterprise.

(3) WITHHOLDING OF GRANT AMOUNTS.—The Administrator may withhold the award of a

grant to a community-based organization under paragraph (1) if the Administrator determines that the organization has violated a condition for receipt of a loan or grant under subsection (a).

(4) MAXIMUM AMOUNT.—The aggregate amount of grants made to a community-based organization under subsection (a) may not exceed $100,000 in any fiscal year.

SEC. 223. REPORTS.

(a) INTERIM REPORT.—Not later than 3 years after the date of enactment of this Act, the Administrator shall transmit to Congress an interim report on the results of programs carried out pursuant to this subtitle.

(b) FINAL REPORT.—Not later than 6½ years after the date of enactment of this Act, the Administrator shall transmit to Congress a final report on the results of programs carried out pursuant to this subtitle, including recommendations on whether or not to provide for the continuation of such programs.

SEC. 224. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for each of the first 5 fiscal years beginning after the date of enactment of this Act $20,000,000 per fiscal year for making loans under section 222 and $20,000,000 per fiscal year for making grants under section 222.

SEC. 225. DEFINITIONS.

For purposes of this subtitle—

(1) the term "Administrator" means the Administrator of the Small Business Administration;

(2) the term "community-based organization" means an entity which has demonstrated an ability to provide loans and technical assistance to microenterprises on a nonprofit basis for the benefit of the low-income residents of the community in which the entity is located;

(3) the term "financial intermediary" means a nonprofit entity organized for the purpose of improving the availability to community-based organizations of capital for making loans to microenterprises;

(4) the term "microenterprise" means a small business concern—

(A) which employs 5 or fewer full-time equivalent employees, 1 or more of whom own the concern; and

(B) none of the owners of which has a current household income equal to more than 200 percent of the most recent poverty threshold established by the Department of Commerce for the relevant family size;

(5) the term "small business concern" has the same meaning as in section 3 of the Small Business Act; and

(6) the term "United States" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Subtitle C—Women's Business Procurement Assistance Act of 1992

SEC. 231. SHORT TITLE.

This subtitle may be cited as the "Women's Business Procurement Assistance Act of 1992".

SEC. 232. GOAL SETTING.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended—

(1) in paragraph (1), by inserting ", small business concerns owned and controlled by women," after "small business concerns" the first place it appears in the first sentence and the first place it appears in the fourth sentence;

(2) in the first sentence of paragraph (2), by inserting "by small business concerns owned and controlled by women," after "small business concerns,";

(3) in the second sentence of paragraph (2), by inserting ", small business concerns owned and controlled by women," after "small business concerns" the first place it appears; and

(4) in the fourth sentence of paragraph (2), by inserting "small business concerns owned and controlled by women and" after "including participation by".

SEC. 233. REPORTING.

Section 15(h) of the Small Business Act (15 U.S.C. 644(h)) is amended—

(1) by inserting ", small business concerns owned and controlled by women," after "small business concerns" the first place it appears in paragraph (1), the first place it appears in paragraph (2)(A), and the first place it appears in paragraph (2)(D);

(2) in paragraph (1), by inserting "and subcontracts" after "contracts";

(3) by adding at the end of paragraph (1) the following new sentence: "The Administration shall submit to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives information obtained from such reports, together with appropriate comments."; and

(4) in paragraph (2)(F), by striking "women-owned small business enterprises" and inserting "small business concerns owned and controlled by women".

SEC. 234. SUBCONTRACTING.

(a) STATEMENT OF POLICY.—Section 8(c)(1) of the Small Business Act (15 U.S.C. 637(c)(1)) is amended—

(1) in the first sentence by inserting "small business concerns owned and controlled by women," after "small business concerns,"; and

(2) in the second sentence by inserting ", small business concerns owned and controlled by women," after "small business concerns" the first place it appears.

(b) CONTRACT CLAUSE.—The contract clause specified in section 8(c)(3) of the Small Business Act (15 U.S.C. 637(c)(3)) is amended—

(1) in subparagraph (A), by inserting ", small business concerns owned and controlled by women," after "small business concerns" the first place it appears in the first sentence and the first place it appears in the second sentence; and

(2) by amending subparagraph (C) to read as follows:

"(C)(i) As used in this contract, the term 'small business concern' means a small business concern as defined pursuant to section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto.

"(ii) As used in this contract, the term 'small business concern owned and controlled by socially and economically disadvantaged individuals' means a small business concern—

"(I) which is at least 51 percent owned by 1 or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by 1 or more socially and economically disadvantaged individuals; and

"(II) whose management and daily business operations are controlled by 1 or more of such individuals.

The contractor shall presume that socially and economically disadvantaged individuals include black Americans, Hispanic-Americans, Native Americans, Asian [Pacific] Americans, and other minorities, or any other individual found to be disadvantaged by the Administration pursuant to section 8(a) of the Small Business Act.

"(iii) As used in this contract, the term 'small business concern owned and controlled by women' means a small business concern—

"(I) which is at least 51 percent owned by 1 or more women; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by 1 or more women; and

"(II) whose management and daily business operations are controlled by such women.

The contractor shall presume that women have been subjected to gender-based discrimination and may determine whether a small business concern meets the percentage requirements under subclause (I) without regard to the community property laws of any jurisdiction.".

(c) CONFORMING AMENDMENTS.—Section 8(c) of the Small Business Act (15 U.S.C. 637(c)) is amended by inserting ", small business concerns owned and controlled by women," after "small business concerns" the first place it appears in paragraphs (3)(D), (4)(D), (4)(E), (6)(A), (6)(C), (6)(F), (10)(B), and (11).

(d) EXCLUSION.—No business concern shall be deemed eligible for any contract or other assistance pursuant to section 1207 of Public Law 99-661 due solely to the provisions of this section.

SEC. 235. WOMEN-IN-BUSINESS SPECIALISTS.

Section 15(k) of the Small Business Act (15 U.S.C. 644(k)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting "; and"; and

(3) by inserting after paragraph (9) the following new paragraph:

"(10) designate an employee of such office to be a women-in-business specialist responsible for the implementation and execution of programs designed to assist small business concerns owned and controlled by women.".

SEC. 236. OUTREACH.

Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following new subsection:

"(p) Each Federal agency having procurement powers shall engage in affirmative efforts to identify and solicit offers from small business concerns owned and controlled by women and small business concerns owned and controlled by socially and economically disadvantaged individuals. To the maximum extent practicable, a representative number of such concerns shall receive solicitation packages for each proposed acquisition for which such concerns may be eligible to compete.".

SEC. 237. ESTABLISHMENT OF THE OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by adding at the end the following new section:

"SEC. 30. OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

"(a) ESTABLISHMENT.—There is established in the Small Business Administration the Office of Women's Business Ownership (hereafter in this section referred to as the 'Office').

"(b) DIRECTOR.—The Director of the Office (hereafter in this section referred to as the 'Director') shall be appointed by the Administrator not later than 60 days after the date of enactment of this section.

"(c) FUNCTIONS.—The Director shall perform the following functions:

"(1) Promote, coordinate, and monitor the plans, programs, and operations of Federal

departments and agencies which may contribute to the establishment, preservation, and strengthening of small business concerns owned and controlled by women. The Director may, as appropriate, develop comprehensive interagency plans and specific program goals for small business concerns owned and controlled by women with the cooperation of the departments and agencies.

"(2) Establish policies, definitions, procedures, and guidelines to govern the implementation, interpretation, and application of this section, and generally perform such functions and take such steps as the Director may consider to be necessary or appropriate to carry out this section.

"(3) Promote the mobilization of activities and resources of State and local governments, business and trade associations, private industry, colleges and universities, foundations, professional organizations, and volunteer and other groups toward the growth of small business concerns owned and controlled by women, and facilitate the coordination of the efforts of such groups with those of Federal departments and agencies.

"(4) Make an annual assessment of the progress made in the Federal Government toward assisting small business concerns owned and controlled by women to enter the mainstream of business ownership and provide recommendations for future actions to the Administrator.

"(5) Convene and consult (as necessary) with persons inside and outside of government to develop and promote new ideas concerning the development of small business concerns owned and controlled by women.

"(6) Consider the findings and recommendations of government and private sector investigations and studies of the problems of women entrepreneurs and promote further research into such problems.

"(7) Monitor the contracting and subcontracting performance of each department, agency, and business enterprise participating under this section.

"(8) Promote access and participation for small business concerns owned and controlled by women to a fair proportion of the broad array of purchases and contracts for property and services for the Federal Government.".

Subtitle D—Equal Surety Bond Opportunity Act

SEC. 241. SHORT TITLE.

This subtitle may be cited as the "Equal Surety Bond Opportunity Act of 1992".

SEC. 242. ADDITIONAL REQUIREMENTS REGARDING APPROVAL OF SURETIES.

(a) IN GENERAL.—A company may not be approved as a surety by the Secretary of the Treasury under section 9304 of chapter 93 of title 31, United States Code, or provide any surety bond pursuant to such section unless such company maintains full compliance with the requirements of section 9310 of title 31, United States Code.

(b) REQUIREMENTS RELATING TO ENFORCEABILITY.—

(1) SIGNED STATEMENT OF COMPLIANCE WITH APPLICATION.—Section 9305(a) of title 31, United States Code, is amended—

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

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

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

"(3) a statement of compliance with section 9310 which is signed under penalty of perjury by the president and the secretary of the corporation.".

(2) COMPLIANCE AS A CONDITION FOR APPROVAL OF APPLICATION.—Section 9305(b) of title 31, United States Code, is amended—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting "; and"; and

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

"(4) the corporation is in full compliance with section 9310.".

(3) SIGNED STATEMENT OF COMPLIANCE WITH QUARTERLY REPORTS.—Section 9305(c) of title 31, United States Code, is amended by inserting "and a statement of compliance with section 9310," before "signed and sworn".

(4) ENFORCEMENT AUTHORITY OF SECRETARY OF THE TREASURY.—Section 9305(d) of title 31, United States Code, is amended—

(A) in paragraph (1), by striking "9304 or 9306" and inserting "9304, 9306, or 9310"; and

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

(C) by striking the period at the end of paragraph (3) and inserting "; and"; and

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

"(4) may, after the end of the 1-year period beginning on the effective date of any revocation under paragraph (1) of the authority of a surety corporation for noncompliance with section 9310, reauthorize such corporation to provide surety bonds under section 9304.".

(5) REVOCATION FOR FAILURE TO PAY CERTAIN JUDGMENTS.—Section 9305(e) of title 31, United States Code, is amended—

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

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

"(2) the corporation does not pay a final judgment or order against the corporation for noncompliance with section 9310, or fails to comply with any order under that section; and".

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 9304(a)(3) of title 31, United States Code, is amended by striking "9305 and 9306" and inserting "9305, 9306, and 9310".

SEC. 243. INFORMATION FOR BOND APPLICANTS AND NONDISCRIMINATION.

(a) IN GENERAL.—Chapter 93 of title 31, United States Code, is amended by adding at the end the following new section:

"SEC. 9310. INFORMATION FOR BOND APPLICANTS; NONDISCRIMINATION.

"(a) REASONS FOR ADVERSE ACTION; PROCEDURE APPLICABLE.—

"(1) NOTICE REQUIRED.—Not later than 30 days after receipt of a completed application for a bond, any surety under section 9304 of title 31, United States Code, shall notify the applicant of its action on the application.

"(2) STATEMENT OF REASONS.—

"(A) IN GENERAL.—Each applicant against whom adverse action is taken shall be entitled to a statement of reasons for such action from the surety.

"(B) ACCEPTABLE FORMS OF STATEMENT.—A surety satisfies the requirement established under subparagraph (A)—

"(i) by providing a statement of reasons in writing as a matter of course to applicants against whom adverse action is taken; or

"(ii) by giving written notification of adverse action which discloses—

"(I) the applicant's right to a statement of reasons not later than 30 days after receipt by the surety of a request made not later than 60 days after such notification; and

"(II) the identity of the person or office from which such statement may be obtained.

"(C) ORAL STATEMENT PERMITTED.—Such statement may be given orally if the written notification advises the applicant of the applicant's right to have the statement of reasons confirmed in writing upon written request.

"(3) SPECIFICITY OF REASONS.—A statement of reasons meets the requirements of this section only if it contains specific reasons for the adverse action taken.

"(4) APPLICABILITY IN CASE OF THIRD PARTY APPLICATIONS.—In the case of a request to a surety by a third party to issue a bond directly or indirectly to an applicant, the notification and statement of reasons required by this section may be made directly by such surety, or indirectly through the third party, if the identity of the surety is disclosed to the applicant.

"(5) APPLICABILITY IN CASE OF SURETIES WHICH ACCEPT FEW APPLICATIONS.—The requirements of paragraphs (2), (3), and (4) may be satisfied by verbal statements or notifications in the case of any surety who did not act on more than 100 applications during the calendar year in which the adverse action is taken.

"(b) NONDISCRIMINATION.—

"(1) ACTIVITIES.—It shall be unlawful for any surety to discriminate against any applicant, with respect to any aspect of a surety bond transaction—

"(A) on the basis of race, color, religion, national origin, sex, marital status, disability, or age (if the applicant has the capacity to contract);

"(B) because the applicant has in good faith exercised any right under this chapter;

"(C) because the applicant previously obtained a bond through an individual or personal surety; or

"(D) because the applicant previously obtained a bond through—

"(i) any bonding assistance program expressly authorized by law;

"(ii) any bonding assistance program administered by a nonprofit organization for its members or an economically disadvantaged class of persons; or

"(iii) any special purpose bonding program offered by a profitmaking organization to meet special needs.

"(2) ACTIVITIES NOT CONSTITUTING DISCRIMINATION.—It shall not constitute discrimination for purposes of this section for a surety—

"(A) to make an inquiry of marital status if such inquiry is for the purpose of ascertaining the surety's rights and remedies applicable to the granting of a bond and not to discriminate in a determination of bondability;

"(B) to make an inquiry of the applicant's age if such inquiry is for the purpose of determining the amount and probable continuance of bondability; or

"(C) to make an inquiry as to where the applicant has previously obtained a bond, in order to determine bonding history, or other pertinent element of bondability, except that an applicant may not be assigned a negative factor or value because such applicant previously obtained a bond through—

"(i) an individual or personal surety;

"(ii) a bonding assistance program expressly authorized by law;

"(iii) any bonding program administered by a nonprofit organization for its members or an economically disadvantaged class of persons; or

"(iv) any special purpose bonding program offered by a profitmaking organization to meet special needs.

"(3) ADDITIONAL ACTIVITIES NOT CONSTITUTING DISCRIMINATION.—It is not a violation of

this section for a surety to refuse to issue a bond pursuant to—

"(A) any bonding assistance program authorized by law for an economically disadvantaged class of persons;

"(B) any bonding assistance program administered by a nonprofit organization for its members or an economically disadvantaged class of persons; or

"(C) any special purpose bonding program offered by a profitmaking organization to meet special needs,

if such refusal is required by or made pursuant to such program.".

(b) DEFINITION OF ADVERSE ACTION.—Section 9301 of title 31, United States Code, is amended—

(1) by striking the period at the end of paragraph (1) and inserting a semicolon;

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

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

"(3) 'adverse action'—

"(A) means a denial of a bond, a change in the terms of an existing bonding arrangement, or a refusal to issue a bond in the amount or on substantially the terms requested; and

"(B) does not include any refusal to issue an additional bond under an existing bonding arrangement where the applicant is in default, or where such additional bond would exceed a previously established bonding limit.".

SEC. 244. CIVIL PENALTIES.

Section 9308 of title 31, United States Code, is amended—

(1) in the first sentence by striking "A surety corporation" and inserting the following:

"(a) LIABILITY TO THE UNITED STATES.—A surety corporation";

(2) in the second sentence by striking "A civil action" and inserting the following:

"(c) JURISDICTION.—A civil action";

(3) in the third sentence by striking "A penalty imposed" and inserting the following:

"(d) EFFECT OF PENALTIES ON CONTRACTS.—A penalty imposed"; and

(4) by inserting the following before subsection (c) (as designated by paragraph (2)):

"(b) LIABILITY FOR DISCRIMINATORY ACTION.—

"(1) IN GENERAL.—Any surety corporation that fails to comply with section 9310(b) shall be liable to the aggrieved applicant for—

"(A) any actual damage sustained by such applicant (individually or as a member of a class); and

"(B) in the case of any successful action under this subsection, the costs of the action, together with reasonable attorney's fees, as determined by the court.

"(2) FACTORS TO BE CONSIDERED.—In determining the amount of any damages under paragraph (1), the factors considered by the court shall include—

"(A) the amount of any actual damages awardable under paragraph (1);

"(B) the frequency and persistence of the failures by the surety to comply with the requirements of section 9310;

"(C) the number of persons adversely affected by the failure of the surety to comply with such requirements; and

"(D) the extent to which such failure was intentional.".

SEC. 245. REGULATIONS.

The Secretary of the Treasury shall issue such proposed regulations as may be necessary to carry out this subtitle not later than 270 days after the date of its enactment. The final regulations shall become effective not later than 1 year after the date of enactment of this Act.

SEC. 246. EFFECTIVE DATE.

The amendments made by this subtitle shall become effective on the earlier of—

(1) the effective date of the final regulations promulgated pursuant to section 245; or

(2) the end of the 1-year period beginning on the date of enactment of this Act.

Subtitle E—Small Business Access to Surety Bonding Survey Act of 1992

SEC. 251. SHORT TITLE.

This subtitle may be referred to as the "Small Business Access to Surety Bonding Survey Act of 1992".

SEC. 252. SURVEY.

(a) IN GENERAL.—The Comptroller General shall conduct a comprehensive survey of business firms, including using a questionnaire described in subsection (b), to obtain data on the experiences of such firms, and especially the experiences of small business concerns in obtaining surety bonds from corporate surety firms.

(b) CONTENT OF SURVEY QUESTIONNAIRE.—The questionnaire used by the Comptroller General to conduct the survey under subsection (a) shall include such questions as the Comptroller General considers appropriate. To ensure a comprehensive review, such questions shall include questions to obtain information from a business firm on—

(1) the frequency with which the firm was requested to provide a corporate surety bond in fiscal year 1992;

(2) whether the frequency with which the firm was requested to provide a corporate surety bond increased or decreased in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(3) the frequency with which the firm provided a corporate surety bond in fiscal year 1992;

(4) whether the frequency with which the firm provided a corporate surety bond increased or decreased in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(5) the average size of corporate surety bonds provided by the firm in fiscal year 1992;

(6) whether the average size of the corporate surety bonds provided by the firm increased or decreased in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(7) the dollar amount of the largest corporate surety bond provided by the firm in fiscal year 1992;

(8) whether the dollar amount of the largest corporate surety bond provided by the firm increased or decreased in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(9) the dollar amount of work performed by the firm by type of construction owner, including the Federal Government, State and local governments, other public entities, and private entities, in each of fiscal years 1990, 1991, and 1992;

(10) the dollar amount of such work bonded by a corporate surety company for the firm by type of construction owner, including construction owners referred to in paragraph (9), for each of fiscal years 1990, 1991, and 1992;

(11) whether the firm purchased its corporate surety bonds through an insurance agent or directly from a surety company;

(12) the means used by the firm to identify its source for the purchase of corporate surety bonds;

(13) the average corporate surety bond premium (expressed as a percentage of contract amount) paid by the firm in fiscal year 1992;

(14) any increase or decrease in the average corporate surety bond premium (expressed as a percentage of the contract amount) paid by the firm in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(15) whether or not the underwriting requirements (including state of accounts receivable, financial procedures, need for personal indemnification, and requirements for collateral) changed in fiscal year 1990, 1991, or 1992;

(16) the nature of any changes in underwriting requirements experienced by the firm in fiscal years 1990, 1991, and 1992 and the reason for any such changes, if known;

(17) whether or not the source of surety bonds (a surety agent or company) provided reasons for such changes in underwriting requirements and whether these reasons were provided orally or in writing;

(18) whether or not the bonding capacity (total dollar amount and number of bonds) for the firm changed in fiscal year 1990, 1991, or 1992;

(19) whether or not the source of surety bonds (a surety agent or company) provided reasons for any changes in bonding capacity and whether these reasons were provided orally or in writing;

(20) the services provided and advice given by the firm's source of corporate surety bonds in fiscal years 1990, 1991, and 1992;

(21) whether or not the firm obtained a corporate surety bond with the assistance of a Federal program (such as the surety bond guarantee program of the Small Business Administration and the bonding assistance program of the Department of Transportation) or a State or local program in fiscal year 1990, 1991, or 1992;

(22) whether or not the firm used any alternative to corporate surety bonds (such as individual surety bonds, letters of credit, certificates of deposit, and government securities) in fiscal year 1990, 1991, or 1992;

(23) if the firm has not provided any corporate surety bonds in fiscal year 1990, 1991, or 1992, the reasons the firm has not done so;

(24) the number of times the firm has had an application for a corporate surety bond denied in fiscal years 1990, 1991, and 1992, and the reason for any such denial, if known;

(25) whether or not the proposed source for the corporate surety bond (a surety agent or company) provided the reasons for its denial of that application and whether that explanation was provided orally or in writing;

(26) the length of time the firm has been in business;

(27) the approximate annual sales volume of the firm in fiscal years 1990, 1991, and 1992;

(28) the net worth (total assets less total liabilities) of the firm at the close of the firm's most recent fiscal year;

(29) the working capital (current assets less current liabilities) of the firm at the close of the firm's most recent fiscal year;

(30) the average age of the firm's accounts receivable (the average number of days required to collect payments due);

(31) whether the firm made a profit in fiscal year 1990, 1991, or 1992; and

(32) the 4-digit standard industrial classification in which the firm performs the majority of its work.

(c) FIRMS TO BE SURVEYED.—The Comptroller General shall develop a statistically valid sample of business firms from the most recent list of construction firms maintained by the Dun and Bradstreet Company (identi-

fied as the "DUN Market Identifier" file) for which data regarding sales are available.

SEC. 253. REPORT.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall conduct an assessment of the data obtained in the survey conducted pursuant to section 252 and submit to the Committees on Small Business of the Senate and House of Representatives a report on the results of such assessment.

(b) CONTENTS OF THE REPORT.—

(1) IN GENERAL.—The report required by subsection (a) shall contain—

(A) a summary of responses of business firms to the survey conducted pursuant to section 252; and

(B) a description of any trends found by the Comptroller General in such responses.

(2) INFORMATION ON SMALL BUSINESS CONCERNS.—In presenting summaries of responses and descriptions of trends pursuant to paragraph (1), the Comptroller General shall provide specific information on the responses and trends of small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals.

SEC. 254. DEFINITIONS.

For purposes of this subtitle—

(1) the term "fiscal year" means the fiscal year of the business firm being surveyed;

(2) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(3) the term "small business concern owned and controlled by socially and economically disadvantaged individuals" has the same meaning as in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)); and

(4) the term "small business concern owned and controlled by women" has the same meaning as in section 127(d) of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 637 note).

TITLE III—ECONOMIC JUSTICE

Subtitle A—Pay Equity Technical Assistance Act

SEC. 301. SHORT TITLE.

This subtitle may be cited as the "Pay Equity Technical Assistance Act".

SEC. 302. STATEMENT OF PURPOSE.

Congress recognizes that the identification and elimination of discriminatory wage-setting practices and discriminatory wage disparities are in the public interest. The purpose of this subtitle is to help eliminate such practices and disparities by—

(1) providing for the development and utilization of techniques that will promote the establishment of wage rates based on the work performed by an employee and other appropriate factors, rather than the sex, race, or national origin of the employee; and

(2) providing for the public dissemination of information relating to the techniques described in paragraph (1), thereby encouraging and stimulating public and private employers, through the use of such techniques, to correct wage-setting practices and eliminate wage disparities, to the extent that the practices and disparities are based on the sex, race, or national origin of the employee, rather than the work performed and other appropriate factors.

SEC. 303. PROGRAM SPECIFICATIONS.

In order to carry out the purpose of this subtitle, the Secretary of Labor shall develop and carry out a continuing program under which, among other things, the Secretary shall—

(1) develop and implement a program for the dissemination of information on efforts being made in the private and public sectors to reduce or eliminate wage disparities, to the extent that the disparities are based on the sex, race, or national origin of an employee, rather than the work performed and other appropriate factors;

(2) undertake and promote research into the development of techniques to reduce or eliminate wage disparities, to the extent that the practices or disparities are based on the sex, race, or national origin of the employee, rather than the work performed and other appropriate factors; and

(3) develop and implement a program for providing appropriate technical assistance to any public or private entity requesting such assistance to correct wage-setting practices or to eliminate wage disparities, to the extent that the practices or disparities are based on the sex, race, or national origin of the employee, rather than the work performed and other appropriate factors.

SEC. 304. DEFINITION.

For the purpose of this subtitle, the term "other appropriate factors" includes factors such as—

(1) the skill, effort, responsibilities, and qualification requirements for the work involved, taken in their totality;

(2) geographic location and working conditions; and

(3) seniority, merit, productivity, education, and work experience.

Subtitle B—Legislative Pay Equity Study

SEC. 311. DECLARATION OF POLICY.

Congress is committed to the elimination of all forms of discrimination that adversely affect pay or working conditions of any employee because of the race, color, religion, sex, or national origin of an employee. It is the policy of the Congress that persons employed in the legislative branch shall receive equal pay in cases in which the work performed is comparable, as measured by the composite of skill, effort, responsibility, and working conditions normally required in the performance of the job.

SEC. 312. COMMISSION.

(a) ESTABLISHMENT.—There is established a Commission on Employment Discrimination in the Legislative Branch (referred to in this subtitle as the "Commission").

(b) COMPOSITION.—The Commission shall consist of 13 members to be appointed for the life of the Commission as follows:

(1) MEMBERS.—Four shall be Members of the House of Representatives, appointed by the Speaker, two upon recommendation of the Majority Leader and two upon recommendation of the Minority Leader.

(2) SENATORS.—Four shall be Senators, appointed by the President pro tempore of the Senate, two upon recommendation of the Majority Leader and two upon recommendation of the Minority Leader.

(3) HOUSE OF REPRESENTATIVES APPOINTMENTS.—Two shall be persons other than Members of Congress, appointed by the Speaker of the House and shall, to the extent practicable, be persons with expertise in job evaluation. One such member shall be appointed upon recommendation of the Majority Leader and one upon recommendation of the Minority Leader.

(4) SENATE APPOINTMENTS.—Two shall be persons other than Members of Congress, appointed by the President pro tempore of the Senate and shall, to the extent practicable, be persons with expertise in job evaluation. One such member shall be appointed upon recommendation of the Majority Leader and one shall be appointed upon recommendation of the Minority Leader.

(5) JOINT APPOINTMENTS.—One shall be appointed by the Speaker of the House and the President pro tempore of the Senate, acting jointly, upon recommendation of—

(A) the Majority Leader and Minority Leader of the Senate and of the House of Representatives; and

(B) the members appointed under paragraphs (1) through (4).

(c) FURTHER QUALIFICATIONS.—

(1) HOUSE OF REPRESENTATIVES APPOINTMENTS.—Of the members of the Commission appointed under paragraph (3) of subsection (b)—

(A) one shall be a member of one of the two largest labor unions at the Library of Congress; and

(B) one shall be a manager at the Library of Congress.

(2) SENATE APPOINTMENTS.—Of the members of the Commission appointed under paragraph (4) of subsection (b)—

(A) one shall be a member of one of the two largest labor unions at the Library of Congress; and

(B) one shall be a manager at the Library of Congress.

(3) LABOR UNIONS.—The member appointed under paragraph (1)(A) shall not be from the same labor union as the member appointed under paragraph (2)(A).

(d) REMOVAL.—The appointing authority of a member of the Commission may remove the member for neglect of duty or malfeasance in office.

(e) VACANCIES.—A vacancy in the membership of the Commission shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

(f) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a Chairperson and a Vice Chairperson from among its members. The Chairperson and Vice Chairperson shall not be of the same political party.

(g) QUORUM.—Seven members of the Commission shall constitute a quorum for the transaction of business, but the Commission may establish a lesser number for holding hearings, taking testimony, and receiving evidence.

(h) COMMENCEMENT.—Members shall be appointed, and the Commission shall commence operation, not later than 4 weeks after the date of enactment of this Act.

SEC. 313. FUNCTIONS OF COMMISSION.

The Commission shall—

(1) employ a nongovernmental consultant with expertise in job evaluation to study and compare the compensation paid within and between job classifications in the Library of Congress and to analyze personnel policies and practices in the Library of Congress;

(2) evaluate the compensation system and personnel policies and practices in the Library of Congress for compliance with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2600e et seq.) and make specific recommendations (other than any recommendation that, if implemented, would result in a reduction in the rate of pay payable for any position) to the Congress for such action as may be necessary to achieve that compliance; and

(3) develop a comprehensive plan for application of the principles of title VII of the Civil Rights Act of 1964 and title III of the Civil Rights Act of 1991 (2 U.S.C. 1201 et seq.) throughout the legislative branch.

SEC. 314. STAFF OF COMMISSION.

(a) STAFF DIRECTOR.—The Commission shall have a Staff Director who shall be ap-

pointed by the Chairman and who shall be paid at a rate not to exceed the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) ADDITIONAL STAFF.—With the approval of the Commission, the Chairman may appoint, terminate, and determine the compensation of additional staff. The rate of compensation for each staff member shall not exceed the daily equivalent of the maximum annual rate of basic pay specified for grade GS–15 of the General Schedule, under section 5332 of title 5, United States Code for each day the staff member is engaged in the performance of duties for the Commission.

SEC. 315. COMPENSATION OF MEMBERS.

(a) FEDERAL EMPLOYEES.—A member of the Commission who is a Member of Congress or a full-time officer or employee of the United States shall receive no additional compensation by reason of service on the Commission.

(b) OTHER MEMBERS.—A member of the Commission not described in subsection (a) shall receive compensation at a rate equal to the daily equivalent of the rate specified in level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day such member is engaged in the performance of duties of the Commission, including travel to conduct the duties.

SEC. 316. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, administer such oaths or affirmations to witnesses appearing before the Commission, enter into such contracts and other arrangements, make such expenditures, and take such other actions as the Commission may determine to be necessary to carry out the duties of the Commission.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this section.

SEC. 317. REPORTS.

The Commission may submit interim reports to the appropriate committees of Congress and shall submit a final report to the appropriate committees of Congress not later than 18 months after the date of enactment of this Act.

SEC. 318. ADMINISTRATIVE PROVISIONS.

(a) CONTINGENT FUNDS.—There shall be paid from the contingent fund of the House of Representatives and the contingent fund of the Senate such sums as may be necessary to carry out this subtitle. One-half of the total of such sums shall be paid from each such fund. Payment shall be upon vouchers submitted by the Chairman of the Commission and approved by the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate, as appropriate.

(b) EMPLOYEE STATUS.—Members of the Commission (other than Members of Congress) and the staff of the Commission shall be treated as detailed employees, or as temporary or intermittent employees of the House or of the Senate, as appropriate.

(c) REGULATIONS.—The Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, acting jointly, shall prescribe such regulations as may be necessary to carry out this subtitle. Employment of experts and consultants, travel, procurement of support services, procedures for securing information, and other administrative matters with respect to the Commission shall be in accordance with such regulations.

SEC. 319. TERMINATION.

The Commission shall terminate 30 days after submitting the final report required under section 317.

Subtitle C—Federal Council on Women Act

SEC. 321. SHORT TITLE.

This subtitle may be cited as the "Federal Council on Women Act".

SEC. 322. FINDINGS.

Congress finds that—

(1) women compose 51.3 percent of the total population and over one-half of the work force in the United States;

(2) the number of households headed by females has more than doubled in the last 27 years and a child who lives in such a household has a 50 percent chance of being poor;

(3) one-third of all women in the United States fail to receive adequate prenatal care and the number of births to teenage mothers has risen throughout the 1980s;

(4) a 1987 study found that only 13 percent of the total budget of the National Institutes of Health was spent for research on women's health;

(5) since 1980 rape rates have risen 4 times as fast as the national crime rate and nearly 3,000,000 women are battered each year;

(6) women at all levels of educational attainment earn less than men with comparable degrees;

(7) women continue to be enrolled in education and training programs that prepare the women for low-wage jobs in traditionally female occupations;

(8) women constitute 70 percent of the elderly poor;

(9) in 1980 the President's Commission on the Status of Women was discontinued;

(10) there is no Federal clearinghouse that focuses on issues and problems widely shared by women and that can develop recommendations for legislative remedies; and

(11) Federal policy and programs frequently fail to serve the needs and interests of women equitably with the needs and interests of men.

SEC. 323. ESTABLISHMENT OF COUNCIL.

There is established within the legislative branch a Federal Council on Women (referred to in this subtitle as the "Council").

SEC. 324. DUTIES.

The Council shall—

(1) collect and evaluate information on a wide range of issues and concerns relating to women in the United States, including poverty, health care, violence, employment, education, and aging;

(2) review and evaluate current and proposed Federal policy relating to the issues and concerns specified in paragraph (1) and the impact of such issues and concerns on women;

(3) coordinate the activities of the Council with any similar activities conducted by any State, political subdivision of any State, and concerned organizations, including State commissions on the status of women; and

(4) make recommendations to the Congress with respect to—

(A) actions that should be taken to alleviate problems studied by the Council; and

(B) the promotion of equal rights and opportunities for women.

SEC. 325. MEMBERSHIP.

(a) APPOINTMENT.—The Council shall be composed of 17 members appointed as follows:

(1) SENATE APPOINTMENTS.—Eight members shall be appointed by the Majority Leader of the Senate in consultation with the Minority Leader of the Senate. Not more than 4 individuals appointed by the Majority Leader may be of a single political party.

(2) HOUSE APPOINTMENTS.—Eight members shall be appointed by the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives. Not more than 4 individuals appointed by the Speaker may be of a single political party.

(3) PRESIDENTIAL APPOINTMENT.—One member appointed by the President.

(b) CONSULTATION.—In making appointments under paragraphs (1) and (2) of subsection (a), the Speaker of the House of Representatives and the Majority Leader of the Senate shall consult with the Council of Presidents of the national women's groups.

(c) TERMS.—

(1) IN GENERAL.—Each member shall be appointed for a term of 3 years, except as provided in paragraphs (2) and (3).

(2) TERMS OF INITIAL APPOINTEES.—As designated by the appointing authority at the time of appointment, of the members first appointed—

(A) 2 members appointed under subsection (a)(1) and 2 members appointed under subsection (a)(2) shall each serve a term of 1 year; and

(B) 1 member appointed under subsection (a)(1) and 1 member appointed under (a)(2) shall each serve a term of 2 years.

(3) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of the member was appointed shall be appointed only for the remainder of the term. A member may serve after the expiration of the term of the member until a successor has taken office. A vacancy in the membership of the Council shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

(d) REQUIREMENTS OF APPOINTMENTS.—In making appointments under this section, the Majority Leader of the Senate and Speaker of the House of Representatives shall—

(1) select individuals who have demonstrated a commitment to the promotion of equity for women; and

(2) select individuals from various age, ethnic, regional, and racial groups.

(e) CHAIRPERSON AND VICE CHAIRPERSON.—A majority of the members of the Council shall elect a chairperson and a vice chairperson from among the members of the Council.

(f) QUORUM.—Nine members of the Council shall constitute a quorum for the transaction of business.

(g) MEETINGS.—The Council shall meet not less often than once every 3 months at the call of the chairperson, the vice chairperson, or a majority of the members of the Council.

(h) BASIC PAY.—Members of the Council shall serve without pay.

(i) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

SEC. 326. EXECUTIVE DIRECTOR AND STAFF.

(a) EXECUTIVE DIRECTOR.—There shall be a full-time executive director of the Council appointed by the chairperson and subject to the approval of a majority of the members of the Council. The executive director shall be paid at a rate not to exceed the rate specified

for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) STAFF.—The Council may appoint such other personnel as the Council determines to be advisable. The rate of compensation for each staff member shall not exceed the maximum annual rate of basic pay specified for grade GS–13 of the General Schedule under section 5332 of title 5, United States Code.

(c) DETAILED STAFF.—Upon request of the executive director, and with the approval of the chairperson, of the Council, the head of any Federal department or agency and the chairman of any committee of the Congress may detail, on a reimbursable basis, any of the personnel of the department or agency or committee to the Council to assist the Council in carrying out its duties under this subtitle.

SEC. 327. POWERS.

(a) IN GENERAL.—For the purpose of carrying out the duties of the Council, the Council may hold such hearings and undertake such other activities as the Council considers appropriate.

(b) USE OF MAILS.—The Council may send franked mail through the United States mail in accordance with section 3210 of title 39, United States Code.

(c) OBTAINING OFFICIAL INFORMATION.—The Council may secure directly from any department or agency of the United States information necessary to enable the Council to carry out this subtitle. Upon request of the Chairperson of the Council, the head of the department or agency shall furnish any information available under section 552 of title 5, United States Code, to the Council.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Council, the Clerk of the House of Representatives and the Secretary of the Senate shall provide to the Council, on an equal basis, any administrative support services determined by the Council to be necessary in carrying out its duties.

SEC. 328. ANNUAL REPORT.

The Council shall, not later than 1 year after the date of the enactment of this subtitle and annually thereafter, submit a report to the Congress containing a detailed statement of the findings, conclusions, and recommendations of the Council related to carrying out the duties of the Council under section 324.

SEC. 329. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle $700,000 for each of fiscal years 1993 through 1997.

Subtitle D—Assured Minimum Child Support Projects

SEC. 331. SHORT TITLE.

This subtitle may be cited as the "Child Support Assurance Act of 1992".

SEC. 332. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the number of single-parent households has increased significantly;

(2) there is a high correlation between childhood poverty and growing up in a single-parent household;

(3) family dissolution often brings the economic consequence of a lower standard of living for the custodian and children;

(4) children are nearly twice as likely to be in poverty after a family dissolution as before a family dissolution;

(5) one-fourth of the single mothers who are owed child support receive none and another one-fourth of such mothers receive only partial child support payments;

(6) single mothers above and below the poverty line are equally likely to receive none of the child support they are owed; and

(7) the failure of children to receive an adequate level of child support limits the ability of such children to thrive and to develop their potential and leads to long-term societal costs in terms of health care, welfare, and loss in labor force productivity.

(b) PURPOSE.—It is the purpose of this subtitle to enable participating States to establish assured minimum child support systems in order to improve the economic circumstances of children who do not receive a minimum level of child support from the noncustodial parents of such children and to strengthen the establishment and enforcement of child support awards. The assured minimum child support approach is structured on a demonstration basis in order to implement and evaluate different options with respect to the provision of intensive support services and mechanisms for administering the program on a national basis.

SEC. 333. ESTABLISHMENT OF ASSURED MINIMUM CHILD SUPPORT PROJECTS.

(a) IN GENERAL.—In order to encourage States to provide a guaranteed minimum level of child support for every eligible child not receiving such support, the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall make grants to not more than 6 States to conduct projects for purposes of establishing or improving a system of assured minimum child support benefits in accordance with this section.

(b) CONTENTS OF APPLICATION.—An application submitted by the Governor of a State shall—

(1) contain a description of the proposed assured minimum child support project to be established, implemented, or improved using amounts provided under this section, including the specific activities to be undertaken and the agencies that will be involved;

(2) specify whether the project will be carried out throughout the State or in limited areas of the State;

(3) estimate the number of children who will be eligible for assured minimum child support benefits under the project, and the amounts to which they will be entitled on average as individuals and in the aggregate;

(4) describe the child support guidelines and review procedures which are in use in the State and any expected modifications;

(5) contain a commitment by the State to carry out the project during a period of not less than 3 and not more than 5 consecutive years beginning with fiscal year 1993;

(6) contain assurances that the State—

(A) is currently at or above the national median paternity establishment rate (as defined in section 452(g)(2) of the Social Security Act),

(B) will improve the performance of the agency designated by the State to carry out the requirements under part D of title IV of the Social Security Act by at least 4 percent each year in which the State operates an assured minimum child support project under this section in—

(i) the number of cases in which paternity is established when required;

(ii) the number of cases in which child support orders are obtained; and

(iii) the number of cases with child support orders in which collections are made; and

(C) to the maximum extent possible under current law, will use Federal, State, and local job training assistance to assist individuals who have been determined to be unable to meet such individuals' child support obligations;

(7) describe the extent to which multiple agencies, including those responsible for administering the Aid to Families With Dependent Children Program under part A of title IV of the Social Security Act and child support collection, enforcement, and payment under part D of such title, will be involved in the design and operation of the assured minimum child support project; and

(8) contain such other information as the Secretary may require by regulation.

(c) USE OF FUNDS.—A State shall use amounts provided under a grant awarded under this section to carry out an assured minimum child support project designed to provide a minimum monthly child support benefit for each eligible child in the State to the extent that such minimum child support is not paid in a month by the noncustodial parent.

(d) REQUIREMENTS.—

(1) IN GENERAL.—An assured minimum child support project funded under this section shall provide that—

(A) any child (as defined in paragraph (2)) with a living noncustodial parent for whom a child support order has been sought (as defined in paragraph (3)) or obtained and any child who meets "good cause" criteria for not seeking or enforcing a support order is eligible for the assured minimum child support benefit;

(B) the assured minimum child support benefit shall be paid promptly to the custodial parent at least once a month and shall be—

(i) a minimum of $3,000 per year for the first child, and a minimum of $1,000 per year for the second and each subsequent child;

(ii) offset and reduced to the extent that the custodial parent receives child support in a month from the noncustodial parent;

(iii) indexed and adjusted for inflation; and

(iv) in the case of a family of children with multiple noncustodial parents, calculated in the same manner as if all such children were full siblings, but any child support payment from a particular noncustodial parent shall only be applied against the assured minimum child support benefit for the child or children of that particular noncustodial parent;

(C) for purposes of determining the need of a child or relative and the level of assistance, one-half of the amount received as a child support payment shall be disregarded from income until the total amount of child support and Aid to Families With Dependent Children benefit received under part A of title IV of the Social Security Act equals the Federal poverty level for a family of comparable size;

(D) in the event that the family as a whole becomes ineligible for Aid to Families With Dependent Children under part A of the Social Security Act due to consideration of assured minimum child support benefits, the continuing eligibility of the caretaker for Aid to Families With Dependent Children under such title shall be calculated without consideration of the assured minimum child support benefit; and

(E) in order to participate in the assured minimum child support project, the child's caretaker shall apply for services of the State's child support enforcement program under part D of title IV of the Social Security Act.

(2) CHILD.—For purposes of this section, the term "child" means an individual who is of such an age, disability, or educational status as to be eligible for child support as provided for by the law of the State in which such individual resides.

(3) CHILD SUPPORT ORDER SOUGHT.—For purposes of this section, a child support order

shall be deemed to have been "sought" where an individual has applied for services from the State agency designated by the State to carry out the requirements of part D of title IV of the Social Security Act or has sought a child support order through representation by private or public counsel or pro se.

(e) CONSIDERATION AND PRIORITY OF APPLICATIONS.—

(1) IN GENERAL.—The Secretary shall consider all applications received from States desiring to conduct projects under this section and shall approve not more than 6 applications which appear likely to contribute significantly to the achievement of the purpose of this section. In selecting States to conduct projects under this section, the Secretary shall—

(A) consider the geographic dispersion and variation in population of the applicants;

(B) give priority to States the applications of which demonstrate—

(i) significant recent improvements in enforcement of child support awards and collection of child support payments; and

(ii) that efforts will be made to link child support systems with other service delivery systems; and

(C) ensure that, if feasible, the States selected use a variety of approaches for child support guidelines.

(2) INTEGRATION.—Of the States selected to participate in the projects conducted under this section, the Secretary shall require, if feasible—

(A) that at least 2 or more of such States provide intensive integrated social services for low-income participants in the assured minimum child support project, for the purpose of assisting such participants in improving their employment, housing, health, and educational status; and

(B) that at least 2 or more such States plan to cooperate and to integrate interstate establishment and enforcement of child support awards.

(f) EVALUATION AND REPORTS.—

(1) IN GENERAL.—Each State that conducts a project under this section shall, as a part of such project, conduct an interim and a final evaluation of the effectiveness of the project and shall submit an interim and final report to the Secretary concerning the results of the evaluation and any improvements in child support enforcement.

(2) SUBJECTS.—The evaluation and report submitted by a State to the Secretary shall analyze and describe (in such a manner as prescribed by the Secretary)—

(A) the impact of the assured minimum child support project on the economic and noneconomic well-being of children and adults in both custodial and noncustodial households;

(B) the work force participation rates of both custodial and noncustodial parents as a result of participation in the assured minimum child support project;

(C) the impact of the assured minimum child support project on Aid to Families With Dependent Children participation rates, grants, and funding levels;

(D) a comparison of enforcement effectiveness in intrastate and interstate cases;

(E) the impact on custodial and noncustodial families of access to intensive integrated services for custodial families and to job training services for noncustodial parents;

(F) the impact of child support guidelines on the effectiveness of the assured minimum child support project and the economic well-being of children and adults in both custodial and noncustodial families;

(G) administrative policies and laws of the Federal Government and the State or a political subdivision of the State, identified by the State as impediments to the collection of adequate child support payments from noncustodial parents;

(H) the measures that the State has taken or intends to take to eliminate or reduce impediments described in subparagraph (G) that are attributable to administrative policies and laws of the State or a political subdivision of the State; and

(I) any other relevant items as the Secretary may require.

(g) DURATION.—A project conducted under this section shall be commenced not later than fiscal year 1993 and shall be conducted for not less than 3 and not more than 5 consecutive fiscal years, except that the Secretary may terminate a project before the end of such period if the Secretary determines that the State conducting the project is not in substantial compliance with the terms of the application approved by the Secretary under this section.

(h) COST SAVINGS RECOVERY.—The Secretary shall develop a methodology to identify any State cost savings realized in connection with the implementation of an assured minimum child support project conducted under this subtitle. Any such savings realized as a result of the implementation of an assured minimum child support project shall be utilized for child support enforcement improvements or expansions and improvements in the Aid to Families With Dependent Children Program conducted under part A of title IV of the Social Security Act within the participating State, and Federal expenditures for such project within the State shall be reduced in proportion to any such savings.

(i) EVALUATION AND REPORT TO CONGRESS.—Three and 5 years after commencement of the first State assured minimum child support project, the Secretary shall conduct an evaluation of each such project and submit a report to the Committee on Finance and the Committee on Labor and Human Resources of the Senate, and the Committee on Ways and Means and the Committee on Education and Labor of the House of Representatives concerning the effectiveness of the assured minimum child support projects funded under this section. Such report shall analyze the reports received by the Secretary under subsection (f) from each participating State and shall compare the effects of different types of child support guidelines.

(j) RESTRICTIONS ON MATCHING AND USE OF FUNDS.—

(1) IN GENERAL.—A State conducting a project under this section shall be required—

(A) except as provided in paragraph (2), to provide not less than 20 percent of the total amounts expended in each calendar year of the project to pay the costs associated with the project funded under this section; and

(B) to maintain its level of expenditures for child support collection, enforcement, and payment at the same level, or at a higher level, than such expenditures were prior to such State's participation in a project provided by this section.

(2) STATES MEETING IMPROVEMENT REQUIREMENTS.—A State participating in a project under this section may provide no less than 10 percent of the total amounts expended to pay the costs associated with the project funded under this section in years after the first year such project is conducted in a State if the State meets the improvements specified in paragraph (6) of subsection (b).

(k) COORDINATION WITH CERTAIN MEANS-TESTED PROGRAMS.—For purposes of—

(1) the United States Housing Act of 1937;

(2) title V of the Housing Act of 1949;

(3) section 101 of the Housing and Urban Development Act of 1965;

(4) sections 221(d)(3), 235, and 236 of the National Housing Act;

(5) the Food Stamp Act of 1977;

(6) title XIX of the Social Security Act; and

(7) child care assistance provided through part D of title IV of the Social Security Act, the Child Care and Development Block Grant, or title XX of the Social Security Act,

any payment made to an individual for child support up to the amount which an assured minimum child support benefit would provide shall not be treated as income and shall not be taken into account in determining resources for the month of its receipt and the following month.

(l) TREATMENT OF ASSURED MINIMUM CHILD SUPPORT BENEFIT.—Any assured minimum child support benefit received by an individual under this subtitle shall be considered child support for purposes of the Internal Revenue Code of 1986.

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary in each of the fiscal years 1993, 1994, 1995, 1996, and 1997 to carry out the purposes of this section.

Subtitle E—Social Services Block Grants

SEC. 341. SHORT TITLE.

This subtitle may be cited as the "Social Services Block Grant Restoration Act of 1992".

SEC. 342. FINDINGS.

Congress finds that—

(1) since 1981, title XX of the Social Security Act (42 U.S.C. 1397 et seq.), regarding block grants to States for social services, has been the major source of Federal funding for a wide range of social services;

(2) in all States, block grants under title XX of the Social Security Act provide substantial support for vital human services programs that are indispensable in assisting millions of children, youth, adults, older adults, and people with disabilities;

(3) programs funded by block grants made available under title XX of the Social Security Act are cost-effective because the programs are required by law to furnish services directed at the goals of—

(A) achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency;

(B) achieving or maintaining self-sufficiency, including reduction or prevention of dependency;

(C) preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests; or preserving, rehabilitating, or reuniting families;

(D) preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care; and

(E) securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions;

(4) funding for title XX of the Social Security Act has seriously eroded; and

(5) the program of block grants under title XX of the Social Security Act—

(A) has never recovered after suffering a $600,000,000 cut in the Omnibus Budget Reconciliation Act of 1981; and

(B) is currently funded at $2,800,000,000, nearly 45 percent less than the fiscal year 1977 value in inflation adjusted dollars.

SEC. 343. INCREASE IN AUTHORIZATION FOR BLOCK GRANTS TO STATES FOR SOCIAL SERVICES.

Section 2003(c) of the Social Security Act (42 U.S.C. 1397b(c)) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) in paragraph (5) by striking "each fiscal year after fiscal year 1989." and inserting "each of the fiscal years 1989 through 1992;"; and

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

"(6) $3,200,000,000 for the fiscal year 1993; and

"(7) $3,300,000,000 for the fiscal year 1994 and for each succeeding fiscal year.".

TITLE IV—RETIREMENT EQUITY

Subtitle A—Military Retired Pay

SEC. 401. APPLICABILITY TO PREVIOUS DIVORCES OF CHANGE IN RULES FOR COMPUTING MAXIMUM FORMER SPOUSE SHARE OF MILITARY RETIRED PAY.

(a) CHANGE IN EFFECTIVE DATE.—Paragraph (2) of section 555(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1570) is amended to read as follows:

"(2) The amendments made by subsections (b), (c), and (d) apply to divorces, dissolutions of marriage, annulments, and legal separations that become effective at any time, whether before, on, or after the date of the enactment of this Act.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall not affect the amount of military retired or retainer pay payable to any person for months beginning on or before the date 90 days after the date of the enactment of this Act.

Subtitle B—Social Security Equity

SEC. 411. SHORT TITLE.

This subtitle may be cited as the "Social Security Equity Act of 1992".

SEC. 412. SHARING OF EARNINGS BY MARRIED COUPLES.

(a) IN GENERAL.—Title II of the Social Security Act is amended by adding at the end the following new section:

"SHARING OF EARNINGS BY MARRIED COUPLES

"SEC. 234. (a)(1) For purposes of determining the eligibility of an individual and the spouse of such individual for old-age and disability benefits and the amount of such benefits to which each is or may become separately entitled, the combined earnings of such individual and such spouse shall, to the extent that such earnings are attributable to the marriage period of such individual and such spouse (as determined under paragraph (2)), be divided equally between them and shared in accordance with this section.

"(2)(A) Except as provided in subparagraph (B), for purposes of this section, the term 'marriage period' means the period—

"(i) beginning with the first day of the calendar year in which the marriage of an individual and the spouse of such individual occurs, and

"(ii) ending with the last day of the calendar year preceding the earliest calendar year in which such individual or such spouse dies, they are divorced, or one of them files application for old-age or disability insurance benefits.

"(B)(i) No marriage period shall begin for any individual and the spouse of such individual if their marriage occurs after such individual or such spouse has filed an application for old-age insurance benefits.

"(ii) No marriage period shall include a period for which such individual or such spouse is entitled to disability insurance benefits or the waiting period (as defined in section 223(c)(2)) with respect to such benefits.

"(iii) A marriage period shall include the 'earliest calendar year' referred to in clause (ii) of subparagraph (A) for purposes of recomputations for that year under section 215(f)(2), in any case where an individual or the spouse of such individual dies or they are divorced, unless the survivor (where one of them dies) or either of them (where they are divorced) is remarried later in the same year.

"(b)(1) Except to the extent otherwise provided in subsections (c), (d), and (e), an individual and the spouse of such individual shall each be credited for all of the purposes of this title with wages and self-employment income, for each calendar year for which either of them is credited with any wages and self-employment income without regard to this section during their marriage period, in an amount equal to—

"(A) 50 percent of the combined total of the wages and self-employment income otherwise credited to both of them for that year if (at the close of the month for which the benefit determinations involved are being made) they are both still living, or

"(B) 100 percent of such combined total, up to but not exceeding the maximum amount that may be counted for that year without exceeding the ceiling imposed for that year under section 215(e), if (at the close of such month) one of them has died.

"(2) Nothing in this section shall affect the crediting of wages and self-employment income to any individual for any calendar year not included in a marriage period of such individual; but to the extent that wages and self-employment income are credited pursuant to this section the other provisions of this title specifying the manner in which wages and self-employment income are to be credited shall (to the extent inconsistent with this section) not apply.

"(3) Except where the context requires otherwise, for purposes of this section, the term 'spouse' includes a divorced spouse, a surviving spouse, and a surviving divorced spouse.

"(c) Subsections (a) and (b) shall not apply with respect to the crediting of wages and self-employment income for any calendar year, in the case of any individual and the spouse of such individual, if—

"(1) as a result of the application of such subsections with respect to that year such individual or such spouse would cease to be a fully insured individual (as defined in section 214(a)); or

"(2) such individual or such spouse is applying for disability insurance benefits (or for the establishment of a period of disability) and as a result of the application of such subsections with respect to that year would cease to be insured for such benefits under section 223(c)(1) (or for such a period under section 216(i)(3)).

"(d) Subsections (a) and (b) shall not apply for purposes of determining the amount of the benefit payable to any individual for any month if—

"(1) the total amount of the wages and self-employment income credited to such individual for a marriage period, as determined without regard to this section, is higher than the total amount of the wages and self-employment income credited to such individual's spouse for that period, as so determined; and

"(2) such individual's spouse (taking subsections (a) and (b) into account) has not filed application for old-age or disability insurance benefits by the close of such month.

"(e) Notwithstanding any of the preceding provisions of this section—

"(1) benefits payable under subsection (d) or (h) of section 202 on the basis of the wages and self-employment income of any individual, and benefits payable under subsection (b), (c), (e), (f), or (g) of such section 202 (on the basis of such wages and self-employment income) to any person other than a spouse who has shared in or been credited with a part of such individual's earnings under subsections (a) and (b) of this section, shall be determined as though this section had not been enacted if—

"(A) the application of this section has changed such individual's primary insurance amount from what it would otherwise have been; and

"(B) the crediting of wages and self-employment income to such individual and the spouse of such individual without regard to this section would increase the amount of such benefits; and

"(2) in the application of section 203(a) (relating to maximum family benefits) with respect to benefits payable on the basis of the wages and self-employment income of any individual, where all or any part of the wages and self-employment income of such individual and the spouse of such individual was credited to them in accordance with this section, the primary insurance amount of such individual (and the crediting of such wages and self-employment income) shall be determined in accordance with this section but the benefits payable to any other person on the basis of the wages and self-employment income of such individual shall be determined without regard to this section.

"(f) Notwithstanding any other provision of this title, no wife's, husband's, widow's, or widower's insurance benefit shall be paid to any individual for any month under subsection (b), (c), (e), or (f) of section 202, and no individual shall be entitled to any such benefit, unless—

"(1) the period of such individual's marriage (to the spouse or former spouse on the basis of whose wages and self-employment income such benefit is payable) ended before the effective date of this section;

"(2) such individual is under the age of 62 (and is otherwise entitled to such benefit);

"(3) such benefit is payable without regard to age and solely by reason of such individual's having a child in his or her care; or

"(4) the application of this section to such individual is prevented by subsection (c) or (d) (or by clause (i) or (ii) of subsection (a)(2)(B)).

"(g) For purposes of subsections (a)(2) and (d), an individual's application for old-age or disability insurance benefits shall be deemed to have been filed on the first day of the first month for which (by reason of the operation of section 202(j) or 223(b)) such individual is entitled to such benefits.".

(b) CONFORMING AMENDMENTS.—

(1) Section 202(b)(1) of the Social Security Act is amended by striking out "The wife" and inserting in lieu thereof "To the extent permitted by section 234(g), the wife".

(2) Section 202(c)(1) of such Act is amended by striking out "The husband" and inserting in lieu thereof "To the extent permitted by section 234(g), the husband".

(3) Section 202(e)(1) of such Act is amended by striking out "The widow" and inserting in lieu thereof "To the extent permitted by section 234(g), the widow".

(4) Section 202(f)(1) of such Act is amended by striking out "The widower" and inserting in lieu thereof "To the extent permitted by section 234(g), the widower".

(5) Section 205(c)(5) of such Act is amended—

(A) by striking out "or" at the end of subclause (I);

(B) by striking out the period at the end of subclause (J) and inserting in lieu thereof a semicolon and "or"; and

(C) by adding at the end the following new subclause:

"(K) to reflect any changes in the crediting of wages and self-employment income which may be necessitated by section 234.".

(6) Section 215(b) of such Act is amended by adding at the end the following new paragraph:

"(5) The determination of the wages and self-employment income to be credited to an individual under this subsection shall in all cases be made after the application of section 234.".

SEC. 413. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this subtitle shall apply only to wages and self-employment income payable after December 31, 1992, to an individual who has not attained age 50 on or before such date, and only if—

(1) the spouse of such individual has not attained age 50 on or before such date; and

(2)(A) in the case of a benefit based upon the attainment by the wage earner of age 62, such individual and such spouse attain age 62;

(B) in the case of a benefit based upon the death of the wage earner, such death occurs after December 31, 1992, and the individual claiming such benefit attains age 62; and

(C) in the case of a benefit described in subparagraph (A) or (B) with respect to a divorced individual and spouse, the divorce occurs after December 31, 2002.

(b) BENEFITS BASED ON DISABILITY.—In the case of a disability insurance benefit, and a widow's or widower's insurance benefit based upon disability—

(1) if an individual is entitled to such benefit before January 1, 1993, the provisions of this subtitle shall not apply—

(A) for the period for which such individual continues to be entitled to such benefit, and

(B) in the case of an individual who continues to be entitled to such benefit until age 62, for the period such individual is entitled to an old-age insurance benefit;

(2) if—

(A) an individual becomes entitled to such benefit after December 31, 1992, and before January 1, 2002; and

(B) the total benefits payable to all individuals on the basis of the wages and self-employment income of the individual upon whose disability such entitlement is based (determined without regard to the provisions of this subtitle) exceeds the total of benefits payable to all individuals on the basis of the wages and self-employment income of the individual upon whose disability such entitlement is based, and to the spouse of such individual, under the provisions of this subtitle, the provisions of this subtitle shall not apply for the period during which the conditions of subparagraph (B) continue to be met and during which such individual (i) continues to be eligible for such benefit, or (ii) in the case of such an individual who continued to be eligible for such benefit until age 62, is entitled to an old-age insurance benefit.

TITLE V—EQUAL REMEDIES ACT OF 1992

SEC. 501. SHORT TITLE.

This title may be cited as the "Equal Remedies Act of 1992".

SEC. 502. EQUALIZATION OF REMEDIES.

Section 1977A of the Revised Statutes, as added by section 102 of the Civil Rights Act of 1991, is amended—

(1) in subsection (b)—

(A) by striking paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3); and

(2) in subsection (c), by striking "section—" and all that follows through the period and inserting "section, any party may demand a jury trial.". •

THE ECONOMIC EQUITY ACT OF 1992

The Economic Equity Act of 1992 (EEA) is a comprehensive, forward-looking agenda for improving the economic well-being of American women and their families. Introduced by the Congressional Caucus for Women's Issues in every Congress since 1981, their package of legislation is designed to respond to the changing needs of American society, and to promote equity for women in the workplace and at the home.

This year's EEA, while continuing its traditional focus on such bread-and-butter issues as pay equity, places new emphasis on the need to revitalize the American economy by developing the job skills of and opening up new opportunities for women in the workforce. The EEA seeks to break down barriers to women throughout the workplace for women trapped in dead-end, minimum wage jobs. The EEA also promotes another untapped economic resource—women business owners.

The EEA has become a Congressional hallmark, and during the 1980s many of the most sweeping reforms designed to benefit women—from child support enforcement to retirement equity and health insurance continuation—received their start as part of the EEA.

The EEA of 1992, is comprised of five titles: Employment opportunities, Women in Business, Economic Justice, Retirement Equity and Equal Remedies. Some of the bills in this session's package will be familiar while most are new to the EEA and address a broadening range of issues affecting women in the marketplace.

Representative Patricia Schroeder introduced in House bill, H.R. 3526, on October 8, 1991.

TITLE I—EMPLOYMENT OPPORTUNITIES

Women currently comprise close to half of the civilian work force. By the year 2000, more women than men will be entering the work force, dramatically and permanently altering the overall composition of labor in America.

"In 1989, 69 percent of all women were in the work force, accounting for 45 percent of all labor force participation." (U.S. Dept. of Labor. "Facts on Women," 1990).

"By the year 2000, 2 out of 3 new entrants into the work force will be women." ("Facts on Women," 1990).

U.S. productivity and competitiveness in the international marketplace will depend more and more upon the industry's ability to encourage, shape, incorporate, and nurture the skills, knowledge, creativity, and energy of women workers.

"By the year 2000, 86 percent of all jobs will require post secondary education or training." ("Work Force 2000," Towers, Perrin and Hudson Institute, 1990).

Despite the vastly increased number of women in the workforce and the need for more highly-skilled workers, women continue to face numerous barriers to a wide range of employment opportunities. Instead of being cultivated as highly productive participants in the workforce, women are often "tracked" away from lucrative male-dominated careers and instead are educated and trained for low-paying, dead-end, nonprofessional careers predominantly clerical and service occupations.

"74 percent of working women are in nonprofessional occupations." ("Women and Nontraditional Work," Wider Opportunities for Women, 1990).

Those women who are able to enter the workforce in higher-paying, mobile, professional positions often face lower salaries and slower promotion rates once employed, and receive less access to the education, training, and support necessary to help prepare them for advancement in the corporate world.

The failure to incorporate fully women into all areas of the workforce penalizes not only women, but the entire American economy, which is increasingly in need of skilled workers. Industry will need to rely on women to fill those skilled positions if it is to compete effectively both here at home and abroad.

A. Nontraditional Employment

Despite the influx of women into the workforce, women continue to be clustered in a small number of typically low-paying occupations, particularly clerical and service occupations. Women continue to have difficulty breaking into "nontraditional" jobs, which are defined as jobs in which 75 percent or more of those employed are men.

"Approximately 70 percent of female secondary vocational education students are enrolled in programs leading to traditional female, low-wage clerical and service jobs." ("Women and Work: Workforce 2000 Trends, "National Commission on Working Women of Wider Opportunities for Women, 1990).

"Since 1983, the number of women in nontraditional jobs has remained relatively unchanged at 4 percent of total workforce." (Women and Nontraditional Work," 1990).

Even programs specifically designed to provide individuals with job skills tend to track women into traditional, low-paying occupations. A study of 1986 enrollments in the Job Training Partnership Act (JTPA) showed that less than 9 percent of women in JTPA-supported classroom training were being trained in nontraditional occupations. In contrast, female participants were most often trained in clerical and caretaking occupations in which placements occured less often and at lower wages.

"Women in nontraditional occupations earned 20 to 30 percent more in average weekly salary than women in traditional occupations." (U.S. Dept. of Labor News Release, March 20, 1991).

B. Apprenticeships

One route to skilled employment is through apprenticeship programs. Apprenticeships are formal, structured programs, usually jointly operated by union and industry, combining on-the-job training with relevant classroom instruction designed to train individuals to be skilled craftworkers. Apprenticeships offer individuals a chance to learn a skilled trade while at the same time earning an income, and they prepare workers for high wage jobs with good fringe benefits and job security. However, jobs that have traditionally required apprenticeships have been among the most difficult for women to enter.

"Among all the better-paying occupational classifications, women have been least represented in skilled craft jobs." ("Apprenticeship: A Route to the High-Paying Skilled Trades for Women?" Robert W. Glover, 1989).

Women in Apprenticeship Occupations and Nontraditional Occupations Act

The Women in Apprenticeship Occupations and Nontraditional Occupations Act would authorize community-based organizations to provide technical assistance to private employers wishing to recruit, train and retain women in apprenticeship programs. The bill would also provide for a study of barriers to the participation of women in apprenticeships and nontraditional occupations, and strategies for overcoming those barriers.

C. Women in Science and Mathematics

There is a shortage of scientists and mathematicians in the U.S., one that is worsening and threatening the nation's ability to compete internationally. Not only will the next decade see fewer men entering the workforce and the sciences, but unless the recruitment and retention of women into science and mathematics is drastically improved, American industry will simply be unable to compete in world markets.

"Only 10 percent of 21- to 25-year-olds in the U.S. have mathematical competence for today's jobs." ("Playing to Win: A Marshall Plan for America," National Urban League, 1991).

"By the year 2000, the U.S. will need 25 percent more engineers, 19 percent more mathematicians, 53 percent more computer systems analysts, and almost 25 percent more scientists." ("Occupational Outlook Quarterly," Bureau of Labor Statistics, 1990).

Despite the desperate need for high quality scientists and mathematicians, college women having been discouraged systematically from entering the science fields in several ways, including lower salaries and slower promotion rates (Office of Technology Assessment, 1985) less financial aid and research assistantships for women graduate students, and few or no role models and mentors. The disincentives start early: girls are neither expected nor encouraged to do well in math and sciences by parents, teachers, or peers.

"By age 17, there is a large difference between men and women's performance in science and math; girls score an average of 45 points less on the math section of the Scholastic Aptitude (SAT) and boys tend to take an average of one more math class than girls do." (National Center for Education Statistics, 1988).

"Women make up 53 percent of all college students, yet they receive less than 15 percent of all engineering degrees." (National Center for Education Statistics, 1988).

1. Women and Minorities in Science and Mathematics Act—

The Women and Minorities in Science and Mathematics Act would amend the Higher Education Act to encourage women and minorities to enter the fields of science and math. It would provide training for faculty and staff to develop educational programs for encouraging the entry of women and minorities into these fields, authorize use of funds for model training for women and minorities who seek work in math and science, and provide counseling for high school girls and minorities to prepare them for entrance into these fields. This legislation would also provide for recruitment and retention efforts for women and minorities to teach math and science. The bill authorizes resource centers designed to encourage model and cooperative education in math and science for women and minorities, and provides grants to graduate institutions to encourage more women and minorities to enter these fields at the graduate level.

2. Advancement of Women in Science and Engineering Work Force Act

This legislation would establish a commission to study the recruitment, retention, and advancement of professional women in science and engineering.

3. Worker Retraining Demonstration Project

This legislation would create a demonstration program of grants to states to provide literacy and skills training for workers currently in low-paying, dead-end jobs to prepare them for more highly skilled positions.

TITLE II—WOMEN IN BUSINESS

The number of women-owned businesses in the United States continues to increase dramatically. Today, there are about six million women-owned businesses from two and a half million in 1982. Businesses owned by women constitute one of the fastest growing sectors of the American economy, with women starting businesses at twice the rate of men.

"Thirty-two percent of all small businesses are owned by women. By the year 2000, 40 percent of small businesses will be women-owned." (Small Business Administration, 1991)

"Women own 13.9 percent of all public 'C' corporations." (SBA, 1991).

"Gross receipts from women-owned businesses were $278.1 billion in 1987, greater than those of any single state in the nation." (National Women's Business Council, 1990).

Despite the high number of women-owned businesses and their impact on the economy, many women business owners, particularly those who own businesses in nontraditional areas such as construction and manufacturing, continue to face barriers. Of particular concern are the difficulties women have obtaining access to commercial credit and to federal procurement.

A 1990 survey by the National Foundation of Women Business Owners (NFWBO) found that 17 percent of its members had to prove their husbands' signatures in order to obtain a commercial loan.

Thirty-eight percent of women-business owners in the NFWBO survey lacked commercial credit entirely.

"In fiscal year 1988, women received only 0.9 percent of the $185.5 billion in federal contracts awarded in that year." ("Federal Programs for Minority and Women-Owned Businesses," CRS, 1990).

A. Microenterprise Development

Microenterprises are the smallest of businesses. Generally home-based, employing five or fewer people, one or more of whom is the owner, microenterprises usually need less than $5,000 to start or to expand. However, most banks refuse to make business loans for under $50,000. (Corporation for Enterprise Development, 1990).

While microenterprise owners are often poor women working from their homes, providing services and goods to the local community, many low-income women who see establishing a microenterprise as a route to self-sufficiency are hampered in their efforts. Low-income women seeking to start or expand a microenterprise face three major barriers to their entrepreneurial endeavors: severe difficulties obtaining capital, collateral, or credit; a lack of business-related skills; and loss of Aid for Families with Dependent Children (AFDC) and Medicaid benefits.

If a women owns a microenterprise worth over $1000 she is no longer eligible for AFDC, Medicaid, and other welfare benefits. (42 United States Code 602(a)(7))

Existing economic development and social programs aimed at poor communities have helped people maintain a basic standard of living, yet for the most part they do not offer ways in which people can rise out of poverty. Microenterprise development offers women with sound business ideas the means by which to enter the economic mainstream of self-sufficiency.

1. Act for Microenterprise

The Act for Microenterprise would assist low-income individuals who wish to establish microenterprises by ensuring that the receipt of a microenterprise loan does not bar someone from receiving welfare payments on the grounds of exceeding the asset limitation. The legislation would provide a one year transition period during which income derived from a microenterprise activity would not be counted toward eligibility for welfare. The legislation would also allow a person to start a microenterprise while they receive Unemployment Insurance.

2. Microlend for the Future Act

The Microlend for the Future Act would establish a new program within the Small Business Administration to provide funds to community-based organizations. These organizations would make loans available to individuals starting or expanding microenterprises who have been unable to obtain alternative financing. The legislation would also require these community-based organizations to provide appropriate technical assistance and business training to the individuals receiving microenterprise loans.

B. Access to Federal Procurement

One of the major obstacles faced by women business owners is the lack of access to federal procurement contracts. The U.S. government is the world's largest buyer of goods and services. Each year, the federal government contracts billions of dollars out to businesses, but women rarely are the recipients of these lucrative agreements.

A decade ago, the U.S. Civil Rights Commission identified this problem and declared, "Women-owned businesses are hampered in the procurement process by the unavailability of information and biases built into the procurement system." The situation remains little changed today.

In fiscal year 1988, women received only 0.9 percent of the $185.5 billion in federal contracts awarded in that year. ("Federal Programs for Minority and Women-Owned Businesses," 1990).

Thirteen percent of women business owners felt their unfamiliarity with the federal government procurement system impeded their ability to obtain federal contracts (Membership Survey, National Foundation of Women Business Owners, March 1991).

Currently, there are no programs specifically designed to assist women who own businesses in obtaining federal procurement contracts.

3. Women's Business Procurement Assistance Act of 1991, Senator Mikulski, S. 1959

This legislation would require all federal agencies to establish goals for contracting and subcontracting with women-owned businesses, and would formally establish the Office of Women's Business Ownership at the Small Business Administration. In addition, it would require each agency to employ a women's business specialist who would assist women-owned businesses in obtaining federal contracts.

C. Surety Bond Access

Small, new, and emerging contractors, especially those that have never been bonded before, often have trouble qualifying for and obtaining surety bonds. Anecdotal evidence suggests that businesses owned by women

and minorities have particular difficulties obtaining surety bonds. A surety bond acts as insurance that work contracted for will be completed, and contractors must be bonded in order to be eligible to bid for or receive most government procurement contracts.

Although surety bonds are considered available to any contractor who reasonably qualifies for them, surety agencies are not required to inform contractors who do not qualify that they have been rejected. Hence, many firms attempting to improve their competitiveness in the bonding market may have little or no direction or hope of ever becoming bonded. In addition, no laws prohibit discrimination by surety bonders.

4. Equal Surety Bond Opportunity Act—Sen. Simon S. 2611

The Equal Surety Bond Opportunity Act would create a federally-approved list of surety agencies and would make it unlawful for a federally-approved surety to discriminate against any applicant on the basis of race, color, religion, national origin, sex, or marital status. The legislation would also require a surety to notify bond applicants, upon request, about the status of their application within a reasonable time period, and would entitle an applicant for a bond whose application has been denied to receive, upon request, a written statement of reasons for the denial.

5. Small Business Access to Surety Bonding Survey Act of 1992—Senator Wofford S. 2609

The Surety Bonding bill would authorize a study to determine barriers that exist to women and minorities obtaining surety.

TITLE III—ECONOMIC JUSTICE

Economic inequity is a fact of life for most women in America today. Nonetheless, the vast majority of women in the workforce are there because of economic need.

In 1987, nearly two-thirds of all women in the work force were either a family's sole wage earner or had husband whose 1986 earnings were less than $15,000. ("20 Facts on Women Workers," U.S. Department of Labor, Women's Bureau, No. 90-2, September 1990).

The failure to cultivate the skills of women as workers and as entrepreneurs has fueled the continuing economic inequities faced by women, leading to high rates of poverty for women and their children. Women are more likely to be underemployed, underpaid, and to have less access to benefits.

In 1988, women constituted 62 percent of the workforce with poverty level incomes. ("20 Facts on Working Women," 1990).

Almost 45 percent of families with children under 18 maintained by single women live in poverty. ("20 Facts on Working Women," 1990).

Women are most likely to work in the types of jobs that fail to offer even minimal benefits. In addition, as the lowest paid workers, they often do not qualify for benefits offered to other, higher paid workers.

Fourteen percent of all women workers have no health insurance benefits. ("Women and Work," 1990).

One-third of single parent families with a full-time worker are uninsured. ("Women and Work," 1990).

A. Pay Equity

Pay equity is a means of correcting the wage gap that currently exists between men and women. With a policy of pay equity, employers use gender- and race-neutral standards, such as responsibility, experiences, education and skill, to set wages.

The Equal Pay Act of 1963 requires that individuals who hold the same jobs be paid the same amount. However, this law has been unable to eliminate the wage gap for the simple reason that women and men do not usually hold the same types of jobs.

In 1990, full-time women workers earned, on average, 71 cents for every dollar men earned. (Spencer Rich, "US Poverty Rate Up; Median Income Falls," Washington Post, Sept. 27, 1991).

Female physicians earn 82 cents, female bus drivers earn 76 cents, and female secondary school teachers earn 94 cents for every dollar earned by a male counterpart. (Testimony of Heidi Hartmann, PhD, before the House Education and Labor Committee, February 27, 1991).

Female college graduates can expect to earn less than male high school graduates. Full-time female workers with college degrees earned, on average, $25,187 in 1988, while working male high school graduates earned $26,045. ("20 Facts on Women Workers," 1990).

A 1986 National Academy of Sciences report concluded that the "wage rates of women's jobs are depressed because women do them. Women are concentrated in low-paying jobs not solely out of choice—though choice may play some role—and not because these jobs would be low-paying regardless of who did them, but rather as a result of earlier traditions of discrimination against women that have become institutionalized—as well as, possibly, current intentional discrimination."

1. Pay Equity Technical Assistance Act—Sen. Cranston, S. 1856

The Pay Equity Technical Assistance Act would establish a clearinghouse within the Department of Labor (DOL) to disseminate information on pay equity efforts in the public and private sectors. Under the bill, DOL would undertake and promote research on job evaluation techniques that are free of bias and would provide technical assistance to persons or organizations voluntarily requesting assistance in eliminating discriminatory wage-setting practices.

2. Legislative Pay Equity Study

This legislation would establish a bipartisan commission to select a private contractor to conduct a pilot study of the Library of Congress to determine whether workers are being paid according to the work they do—and not according to their sex or race. The commission would then report the study's findings and recommendations for a comprehensive plan to ensure pay equity within the entire legislative branch.

B. Child Support Enforcement

For many single mothers and their dependent children, divorce is often the road to poverty, in large part because of the failure of noncustodial parents to pay child support. After their parents divorce or separate, children are almost twice as likely to be living in poverty as they were before the break-up ("Child Poverty Twice as Likely After Family Split, Study Says," New York Times, March 2, 1991).

Half of all children living with their mothers are living in poverty, compared to nine percent of children living with two parents. ("The American Woman 1990-1991," Women's Research and Education Institute, 1990).

Two-thirds of all women will support children outside marriage at some point in their lifetimes. (Testimony of Heidi Hartmann before the Senate Labor and Human Resources Committee, January 7, 1991).

The majority of women and children eligible for child support payments do not receive them, either because they lack a court order for such payments, or because the noncustodial parent refuses to pay.

In 1987, 41 percent of mothers eligible for child support payments did not have a judicial child support order. ("Child Support System Called 'Abysmal,'" Washington Post, April 6, 1991).

Of mothers who did have a child support order, 25 percent received only partial payment and another 25 percent received no payment at all. ("Child Support System Called 'Abysmal,'" April 6, 1991).

1. Assured Minimum Child Support Demonstration Projects—Senator Dodd S. 2343

This bill would establish child support assurance demonstration projects which would be provided to six states to conduct projects for the purposes of establishing or improving a system of assured minimum child support payments.

2. Title XX Social Services Block Grant Restoration Act—Senator Riegle S. 1189

Title XX is the main source of federal funding for a wide range of increasingly needed social services such as child day care and protection from abuse or neglect. Title XX suffered a $600 million cut in OBRA 1981. This bill would restore $500 million to Title XX over the next three years and raise authorization to $3.3 billion by 1994.

D. Federal Council on Women's Economic Issues

During the Carter Administration, the President's Advisory Committee for Women was established to focus on issues of concern to women. Since 1980, however, there has been no federal clearinghouse for discussing and evaluating women's issues; there is currently no legislatively-mandated body that collects and evaluates issues of importance to women, reviews federal policy and proposed policy its impact on women, and makes recommendations for future action to remedy the problems identified.

3. Federal Council on Women Act.

This bill would establish a 17 member council within the legislative branch to review, evaluate, and propose federal policy with respect to the economic problems of women, in particular women living in poverty, in the United States.

TITLE IV—RETIREMENT EQUITY

There is a misconception in our society about the golden years of our lives, when, after having contributed years of labor in the workforce, we may rest and enjoy friends, family, and hobbies without fear of economic destitution. The reality is that many elderly persons are living in poverty, and most of the elderly indigent are women.

Women's retirement income is less likely to be supplemented by pension income because women generally work at lower income jobs or move in and out of the labor force when family needs arise, making it difficult for them to accrue pension credit. Women are also more likely to be employed by smaller firms that do not offer comprehensive benefit packages. Lack of access to pensions and resulting reliance of Social Security add to the elderly's poverty.

While 58 percent of all elderly people are women, women account for 71 percent of all poor over age 65. ("Unlocking the Door," Women and Housing Task Force, 1990).

14 percent of all older women live below the poverty line, compared to 8 percent of older men. ("Money, Income and Poverty Status in the United States," U.S. Bureau of the Census, 1990). 41 percent of older women are poor or near-poor, compared to 17 percent of older men. ("Heading for Hardship," Older Women's League, 1990).

In 1988, the median yearly income for older women (including earnings, Social Security, pensions and assets) was $7,655 while for older men it was $13,107. ("A Profile of Older Americans," American Association of Retired Persons, 1990).

A. Social Security

The Social Security Act was designed to provide American workers and their dependents with protection against loss of wages due to retirement, disability, or death. While this program has been successful at reducing poverty among elderly men and married couples, it has been less successful at reducing the impoverishment of older, single women.

Women are working more without reaping rewards in retirement security. Recent studies show that increased labor force participation has not, for the most part, translated into larger Social Security benefits for women.

In 1990, women on average received $518 per month in Social Security benefits, 76 percent of men's average benefit of $679. (Social Security Administration, Estimated Figures for 1990).

70 percent of all unmarried older women rely on Social Security as their primary source of income. ("Heading for Hardship," Older Women's League, 1990).

The inability of Social Security to significantly reduce the poverty rate among older women results from a number of built-in biases in the way the program is structured. Although Social Security law is gender neutral, it was designed to to meet the needs of a once "traditional" family consisting of one spouse as lifelong breadwinner and the other as lifelong homemaker. Today, such families account for less than one-quarter of all American families.

Social Security particularly penalizes women who assume family caregiving responsibilities, such as, taking time off from the workforce to care for young, children, elderly spouses or parents. Workers born in 1929 or later will have their Social Security benefits calculated on their average earning over a period of 35 years. Workers with less than 35 years of earnings will have "zeroes" averaged into their benefit computation for each year they fall short of the required 35, dramatically and permanently lowering their Social Security benefits.

Women average 11.5 years out of the workforce, compared to 1.3 years for men. ("Mother's Day Report, "Older Women's League, 1990).

Even by the year 2030, fewer than four in 10 women age 62 to 69 will have worked 35 years or more in the paid labor force. The remaining 60 percent will have zeroes averaged into their earning record. ("Mother Day Report," 1990).

Many of these women are now over 60 years old and are left with scarce resources. Many were married and raised families when it was not the norm for women to work. Now, as they become older, they are often without job skills as they try to enter the labor market. Compounding their financial difficulties, these women are entitled to little, if any Social Security benefits .

1. Social Security Equity of 1992

This legislation would amend Title II of Social Security Act to provide that the combined earnings of a husband and wife during the period of their marriage shall be divided equally and shared between them for benefit purposes, so as to recognize the economic contribution of each spouse to the marriage and ensure that each spouse will have Social Security protection in his or her own right.

B. Former Military Spouses

In the 1982, Congress passed legislation, the Uniform Services Former Spouses Protection Act (USFSPA), which was designed to provide former military spouses with a share of their husband's retirement benefits. The USFSPA was passed in response to a Supreme Court decision in McCarty v. McCarty, that held that military pensions could not be divided as part of a divorce settlement.

Military spouses face special hardships that often leave them without access to a pension of their own. Because military families move an average of every two years, most military spouses are unable to work in any job for the five years that is generally required for vesting in a pension plan. In addition, being part of a military family severely limits a woman's employment opportunities.

Military wives experience an unemployment rate more than twice that of civilian wives, are more concentrated in low-paying jobs, and earn substantially less overall. (Testimony of Sally Goldfarb, NOW Legal Defense and Education Fund, April 4, 1990).

A 1988 survey of former military spouses showed that, of women divorced before USFSPA, 23 percent were living on incomes between $500 and $800. (Testimony of Shirley Taft, Ex-Partners of Servicemen for Equality, April 4, 1990).

This legislation would amend the 1991 Department of Defense Authorization Act to allow all eligible former military spouses access to the new definition of disposable retirement pay, which prohibits military retirees from deducting private taxes and personal debts from their retirement benefits. This provision will ensure that such spouses have full access to retirement benefits.

TITLE V EQUAL REMEDIES

The Civil Rights Act of 1991 represents a significant step forward in the ongoing battle to overcome discrimination. Previously, victims of intentional discrimination based on sex could not recover damages. The Civil Rights Act of 1991 adds a new Section 1981A, under which victims of sex discrimination will be able to recover damages.

However, Section 1981A places an upper limit on the total amount of damages can be awarded. The cap creates a significant difference between discrimination based on sex and racial origin discrimination. These caps are unjustifiable. Discrimination on the basis of sex and race is equally abhorrent and victims of such discrimination should be allowed equally to recover damages without caps.

EQUAL REMEDIES ACT OF 1991

The Equal Remedies Act of 1991 would remove the limitations on damages in Section 1981A.

• Mr. DURENBURGER. Mr. President, I am proud to introduce the Economic Equity Act [EEA] today with the senior Senator from California, Senator ALAN CRANSTON. I have been involved with this legislative initiative for over 10 years now, and believe it constitutes an important step toward economic equality for women and minorities.

The Economic Equity Act is an omnibus bill consisting of five titles, including "Employment Opportunities, Women in Business, Economic Justice, Retirement Equity, and Equal Remedies." Each year, portions of the bill are passed in an attempt to diminish the institutional bias contained in our Federal laws, and I pledge to work this year, as I have in the past, to continue to diminish the discrimination contained in the Federal statutes.

Mr. President, before I describe what we have included in the Economic Equity Act this year, I would like to provide a brief historical context for the EEA. When I first ran for the Senate in 1978, I made a commitment to changing the role of Government. Although I believe that some Government services are best delivered at the State and local level, I have always believed that the Federal Government must maintain primary responsibility for securing fundamental human rights guaranteed by the U.S. Constitution.

At the heart of the Economic Equity Act is a Federal commitment toward assuring that our Government treat women, children, and minorities fairly. To that end, I have been a principal author of an omnibus bill each Congress since 1981 that seeks to eliminate discrimination in the law.

Since its introduction in the 97th Congress, the EEA has been an instrumental vehicle to enact socially progressive legislation. As each section in the omnibus bill is passed by Congress, we identify new inequities which must be addressed.

Mr. President, I would like to highlight some of the EEA's achievements. In the 97th Congress, we passed the former military spouse protection reform and the dependent care tax credit sliding scale, which increased daycare tax credits, especially for low-income women. Estate tax reforms recognized the role of women as an equal partner in building the family farm after her husband passed away. And we expanded individual retirement accounts to allow virtually every American, whether he or she earns an income or maintains the home, to be eligible for IRA contributions.

In 1983, during the 98th Congress, we reintroduced the EEA with several new sections. Again, we were successful in enacting major changes in Federal law. We lowered the age of participation and vesting for private pensions, increased the options for survivors' benefits, and allowed individuals to take time off from their jobs without losing their pension rights. Further, we improved our child support enforcement system.

In the 99th Congress, we enacted reforms in the private pension system, reducing the number of years a person must work to be vested from 10 years to 5. For many women who take time off to raise children, this change in the law makes the difference between financial security and financial inadequacy.

In addition, we reformed the military pension system by allowing divorced military spouses to claim a portion of retirement benefits based on years con-

tributed to the career. In the Tax Reform Act of 1986, we increased the standard deduction for single head-of-household and expanded the earned income tax credit. For single parents, this was a major advance in tax fairness.

Two further EEA sections that were enacted during that session were noteworthy. First, we amended the Higher Education Act to establish a grant program to make child care available to low-income college students. And second, in the Consolidated Omnibus Budget Reconciliation Act [COBRA], we provided employment based continuation coverage for widows, divorced spouses, and their independent children.

Mr. President, I could go on and on with the improvements that the EEA has added to our Federal laws. We have attempted each year to identify and change those elements of our laws that work to the disadvantage of women and minorities. And even though we have come a long way, we still have a long way to go.

Today, Mr. President, Senator CRANSTON and I introduce the 1992 Economic Equity Act. The bill contains legislation that will improve the economic opportunities for women and minorities, and will help them to help themselves in a just society.

For example, in the Women and Minorities in Science and Mathematics Act, the EEA amends the Higher Education Act to encourage women and minorities to enter the fields of science and math. The legislation authorizes training for faculty and staff to develop educational programs for encouraging women and minorities to become scientists, and provides counseling and support services to high school girls to prepare them for entry into these fields.

In addition, the EEA promotes microenterprise opportunities for individuals wishing to establish small businesses. Through Small Business Administration loans, technical assistance, and assuring that surety agencies provide access to adequate bonding, the women in business section of the EEA provides an empowerment strategy so women can fight their economic battles on a level playing field.

In the economic justice title, the EEA establishes a clearinghouse within the Department of Labor to disseminate information on pay equity efforts by public and private employers. The bill also establishes a 17-member council within the legislative branch to review and evaluate Federal policy regarding the economic problems of women, particularly those living below the poverty line.

Finally, title V, equal remedies, removes the limitations on damages available to women under the 1991 Civil Rights Act. Those damages caps provide, perhaps, the best example of institutional inequity in our Federal laws. Under current law, all victims of racial discrimination are entitled to unlimited compensatory and punitive damages, but female victims of discrimination have their damages capped at an arbitrary amount, depending upon the size of their employer.

I am proud to be the lead Republican cosponsor of the mainstay of title V—the Equal Remedies Act—that provides for parity of remedies between all victims of discrimination. Our Federal laws, least of all those that seek to end workplace discrimination, should not on their face or as applied, distinguish between employees based upon their race or sex. That is why I support parity of civil rights remedies for all individuals.

Mr. President, I expect that, as in years past, portions of the Economic Equity Act will be passed during this legislative session. We will see real progress in achieving equity and empowerment of women in our society. I will continue to work to achieve that goal.●

By Mr. KASTEN:

S. 2678. A bill to provide assistance to communities to improve drug abuse resistance education programs, and for other purposes; to the Committee on the Judiciary.

ASSISTANCE FOR DRUG ABUSE EDUCATION PROGRAMS

Mr. KASTEN. Mr. President, I rise today to introduce legislation that would provide for a $50 million increase in the amount authorized for drug abuse resistance education or DARE Programs. My amendment would also expand the scope of current legislation so that Federal assistance for DARE and DARE related programming would not be limited for use only at certain grade levels, but for all children, grades K–12, and for parent training.

Having spent a major portion of last year's August recess visiting with local law enforcement and county board officials across Wisconsin, I agree with those front-line fighters, They believe that the DARE Program, and others like it, are the most valuable tool we have to educate our young people about the dangers of drug abuse. The continuation of the DARE Program ranked as one of the top concerns in each community.

I am convinced the Nation as a whole would benefit from the resources this program has to offer. The State of Wisconsin receives nearly $8 million annually from the Bureau of Justice Assistance's block grant program. The majority of that money is used to fight crime through multi-enforcement groups or MEG units. The MEG units key-in on drug-related crime throughout Wisconsin and are of great benefit to local and county law enforcement. Due to the success of these MEG-units, and their needs on the front-line battle versus crime, the State of Wisconsin has not been able to use any Justice Department grant funds on DARE and DARE-related programs since 1988.

My bill would provide $50 million in additional funding for the DARE Program. These funds would specifically help local communities, like those in Wisconsin, develop or continue DARE and DARE-related Programs by providing them with the opportunity to apply for a Federal matching-fund grant to pay the operating expenses incurred by placing a patrolman in the classroom.

The local police department could choose to place an existing officer in the classroom and use the Federal funds to replace that officer, or hire a new officer for the sole purpose of placing him/her in the classroom.

My bill would also enable States to use their funding to expand the reach of DARE and DARE-related programming beyond limited grade levels to children in all classes, K–12, as well as the use of funds for parent training.

I agree with our local law enforcement officials all around America: the education of our children is the key strategy to winning the war on drugs. I would further contend that a young American's first encounter with a law enforcement officer should be positive—within the classroom—otherwise we risk the negative implications of our youth meeting that officer for the first time down at the station or at the scene of a crime.

That is what DARE is all about. It's the winning strategy to help us win the war against drug abuse. It's a forum to bring together young people, law enforcement and their parents in a positive educational environment, as a preventive measure, not a punitive one.

This program is highly rewarding for the DARE-trained officer as well. In speaking with a number of DARE officers in the State of Wisconsin, they all made the point that their opportunity to serve as a DARE officer allowed them the chance to make an indelible impact on the lives of our children.

Every child in every town or village within this country deserves the same opportunity to grow up in a neighborhood and school district where they can learn, run and play—free of the scourge of crime and drugs.

We should do everything possible to begin providing the kind of guidance that will draw our attention to the young people of our Nation by concentrating more of our resources in the classroom, and not just in the courtroom.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2679. A bill to promote the recovery of Hawaii tropical forests, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

HAWAII TROPICAL FOREST RECOVERY ACT

Mr. AKAKA. Mr. President, today Senator INOUYE and I are introducing

legislation designed to reverse the tragic decline of Hawaii's tropical forests and to restore these critical habitats to their rightful place—as the jewels in Hawaii's environmental crown.

The Hawaii Tropical Forest Recovery Act is the product of many months of planning and thought, with valuable input from the State of Hawaii's Division of Forestry and Wildlife, Federal agencies, Hawaii environmental and conservation groups, biologists and researchers at the University of Hawaii, and the Hawaii Forest Industry Association.

A CALL TO ACTION

Mr. President, this legislation is one of a number of steps we must take to halt the alarming decline of our biological heritage. Like the Alien Species Prevention and Enforcement Act (S. 2555), which we introduced several weeks ago, today's bill responds to the November 1991 report, "Hawaii's Extinction Crisis: A Call to Action." I urge my colleagues to read this study coauthored by the U.S. Fish and Wildlife Service, the State of Hawaii's Department of Land and Natural Resources, and the Nature Conservancy of Hawaii. This Federal-State-private report sets forth a thoughtful and cogent 10-point plan of action to halt the accelerating slide of extinction and pull back our plant and animal species from an ecological abyss.

INSTITUTE OF PACIFIC ISLANDS FORESTRY

The Hawaii Tropical Forest Recovery Act is a comprehensive bill to rejuvenate Hawaii's ailing native forests. This legislation offers the potential to greatly expand the level of expertise on proper management of Hawaii's tropical forests and to transfer this knowledge to other tropical forests in the United States and abroad.

The United States can hardly be a credible voice for stemming the decline of the world's tropical forests unless we first take steps to preserve tropical forests within our own borders. Fortunately, we do not have to begin this effort from scratch. For over 30 years, the Institute of Pacific Islands Forestry, or IPIF, has conducted valuable research and applied its expertise to the management of tropical forests of the United States. Based in Honolulu, IPIF has proved itself to be of great benefit to the island States and people of the Pacific Ocean.

Like its sister Institute of Tropical Forestry in Puerto Rico, IPIF is an arm of the U.S. Forest Service. These Institutes form the bedrock of our knowledge, expertise, and experience in managing and preserving tropical forests. Unfortunately, growing demands on IPIF's technical assistance have greatly outpaced the Institute's ability to respond. The United States will forfeit its leadership role in tropical forestry management if we do not give IPIF an expanded capability to meet the growing challenges which confront tropical forests worldwide.

Mr. President, 2 years ago an insightful editorial appeared in the New York Times entitled "Preaching Brazil from Hawaii." The editors wrote, and I quote:

> Americans lecture Brazil on the shameless destruction of its tropical forests. They would sound less sanctimonious if the United States took better care of its own tropical forests, in Hawaii and Puerto Rico."

The New York Times exposed the depths of the problems that exist in Hawaii's tropical forests. I will ask unanimous consent that the New York Times editorial of July 24, 1990, be reprinted in full at the conclusion of my remarks.

To empower IPIF to meet the challenges of the next century, this bill would authorize an expansion of activities at IPIF, including the establishment of a model center for research, training, and demonstration which would boost the transfer of scientific, technical, managerial, and administrative assistance to foreign governments and nongovernmental institutions addressing problems with their tropical forests. The Institute would have new authority to study and implement actions to recover endangered tropical wildlife, fish, and plant species, to research how tropical forests can moderate global climate change, and to promote responsible forest management and agroforestry.

FEDERAL-STATE-PRIVATE VENTURES

This bill also opens the way for a closer working relationship between Federal and State agencies and private entities by promoting joint ventures in several areas, including cooperative habitat preservation, forest management, the reintroduction of native plants, alien species control, and tropical forest health assessments.

HAWAII TROPICAL FOREST RECOVERY TASK FORCE

Mr. President, I should pause to point out that while we acknowledge the multitude of threats to tropical forest ecosystems, we cannot respond with a shotgun approach. My bill takes a measured and analytical approach by convening a Hawaii Tropical Forest Recovery Task Force. The 11 members of the task force would include some of the best minds within the U.S. Forest Service, the Soil Conservation Service, the U.S. Fish and Wildlife Service, the National Park Service, the State of Hawaii's Department of Land and Natural Resources, and various conservation organizations and private tropical forestry interests. The task force would identify the threats and their severity to tropical forests. The task force would submit an action plan to rejuvenate Hawaii's tropical forests, outline compatible uses, accelerate the identification and classification of numerous plant and animal species waiting to be discovered, promote public awareness, protect the forests from nonnative invasive species, and consider the traditional practices, needs, and uses of native Hawaiians in tropical forests.

HUMAN WELFARE AT STAKE

Mr. President, some of my colleagues may wonder why I have spent so much time and energy crafting this bill. Why, you may ask, are the needs of tropical forests so important? The answer is simple, the issue straightforward. The concern I address today is our role as caretakers of this planet. What is at stake is our welfare and the quality of life on Earth.

Several years ago, Dr. Thomas Lovejoy of the Smithsonian Institution wrote that "the tropical rain forest is where life reaches its fullest expression, where more forms of life are to be found than anywhere else on the globe." Dr. Lovejoy also observed that:

> The ability of the life sciences to contribute to human welfare . . . rests in large part on the knowledge waiting to be discovered in tropical forests. Our knowledge of these forests cannot be described as anything more than superficial; yet, at the same time, they are being obliterated at staggering rates.

How staggering, Mr. President? Well, every year our planet loses approximately 27 million acres of tropical forests. Imagine that, Mr. President: 27 million acres of prime forest land, roughly the size of Pennsylvania, are lost every year to logging, burning, clear cutting, and man's insatiable appetite to conquer and develop. But at what price? How much are we willing to lose? Imagine if the entire land mass of the continental United States were a vast tropical forest. Picture the loss of 27 million acres a year, or the size of Pennsylvania. At the current rate of deforestation, the United States would be delogged and denuded within 86 years.

But it is not just the trees and their aesthetic value we lose. When our tropical forests are destroyed, forest watersheds can no longer act as sponges, their roots, mosses, ferns, and leaves no longer able to collect rainfall to replenish our streams and aquifers. Also lost is the rain forest's ability to trap vast quantities of carbon dioxide from the air. Gone too is an incredible array of life forms, the vast majority of which have yet to be discovered and classified. In my home State of Hawaii, more than 90 percent of Hawaii's plants have yet to be surveyed for their medicinal values.

PHARMACOPOEIA LOST

Perhaps most tragic of all, Mr. President, are the medicinal uses and scientific knowledge that disappear with each passing species. It has been well documented that natural organisms provide approximately 75 percent of all the modern medicines and pharmaceutical products. And tropical forests contain at least 50 percent of the world's plant and animal species. They are, in effect, vast storehouses of pharmaceutical potential, medicines and cures waiting to be discovered. As for-

ests disappear, so do cures for the ills that plague us. It is dangerous to assume that the loss of a handful of species a day is of no consequence to us and that our quality of life is not diminished in any way.

Let me point out one example of a plant species which has meant life and hope for cancer patients where before there was only despair. Within the Pacific Northwest growing amid towering conifers and ancient trees is the Pacific yew. The yew once thrived worldwide but was overharvested before the 16th century in the making of longbows. The yew has been further decimated in this century by loggers who considered them a nuisance. Today the yew struggles to survive in a few stands in Oregon, Washington, and Idaho. After centuries of abusing the yew, we are only now discovering chemicals within its tissues to treat ovarian cancer. The irony, Mr. President, is that this nuisance tree is now a potential source of salvation for thousands of cancer patients.

Dr. Lovejoy once pointed out that if you were to scoop a handful of soil containing just bacteria, fungi, some insects, and worms, the knowledge contained in these organisms' DNA would equal the information found in all 15 editions of the Encyclopedia Britannica combined. And that's just a handful of soil. Consider the vast storehouse of knowledge in a simple ecosystem, or even an entire tropical forest.

In short, Mr. President, what is at risk is a complex library of medicinal knowledge, a veritable pharmacopoeia. But that's not all we are losing. We stand to forfeit unimagined depths of biochemical, agricultural, biotechnological, and industrial know-how. When we reach into the molecular level of these diverse species, we unlock a storehouse of information and new sources of wealth. Biochemistry research and biotechnology are leading industries in the United States. Forensic and diagnostic medicine contribute immensely to our quality of life. The expanding field of environmental cleanup, such as through oil-consuming microorganisms, and U.S. leadership in agricultural technology also rely on the often forgotten benefits derived from the millions of species with which we share this planet. And consider our nation's economy: Industries which rely on biological diversity for innovative techniques and knowledge as sources of wealth contribute tens of billions of dollars to our gross national product.

Hawaii has already lost most of its original tropical forests, half of its original bird species, and untold numbers of other wildlife and plant species. Ten thousand species call Hawaii their home and are to be found nowhere else on Earth. And yet the forests continue to fall and their inhabitants disappear.

Time, it is clear, is not on our side. At least 25 percent of our Nation's endangered birds and plants are endemic to Hawaii, and that number is growing. Twelve endangered Hawaiian forest bird species sit on the verge of extinction, reduced to such low numbers that biologists doubt they may ever be saved. And for at least 93 Hawaiian plant species, fewer than 100 individuals survive. The disastrous decline of these species serves as a grave indicator that something is terribly awry in the Hawaiian Islands.

Mr. President, the Hawaii Tropical Forest Recovery Act will not guarantee that every species and subspecies will be saved. Nor does it guarantee that Hawaii's remaining tropical forests can be made right again overnight. But it is a beginning—and an affirmation of our commitment to halt the slide into extinction.

An anonymous scribe at the National Geographic Society asked some years ago, "Will future generations praise our foresight or look back in anger and dismay at what we had and what we lost forever?" I cannot look into my grandchildren's eyes for long without wincing at the tattered legacy we may be leaving them. Our determination to act must come from within. To answer the National Geographic question, I would paraphrase Shakespeare's Cassius: "The answer, dear Brutus, is not in our stars, but in ourselves." Certainly therein lies the answer to the kind of legacy we choose to leave our children, and the shape in which we wish to leave this planet we call home.

I ask unanimous consent that the text of my bill and the article mentioned earlier be printed in the RECORD.

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

S. 2679

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 "Hawaii Tropical Forest Recovery Act".

SEC. 2. HAWAII TROPICAL FOREST RECOVERY.

(a) IN GENERAL.—The International Forestry Cooperation Act of 1990 (Public Law 101-513; 104 Stat. 2070) is amended—

(1) by redesignating sections 605, 606, and 607 as sections 615, 616, and 617, respectively; and

(2) by inserting after section 604 the following new sections:

"SEC. 605. HAWAII TROPICAL FOREST RECOVERY TASK FORCE.

"(a) ESTABLISHMENT.—There is established the Hawaii Tropical Forest Recovery Task Force (hereafter in this section referred to as the 'Task Force') to advise the Secretary in carrying out this title.

"(b) ACTION PLAN.—Not later than 1 year after the date of its first meeting, the Task Force shall submit to the Committees referred to in subsection (k) and to the Secretary of Agriculture an action plan that contains findings and recommendations for rejuvenating Hawaii's tropical forests, including findings and recommendations on—

"(1) the best methods of rejuvenating declining or degraded tropical forest land;

"(2) compatible uses within tropical forests, particularly agroforestry and the cultivation of scarce or valuable hardwoods once common in Hawaii's tropical forests;

"(3) actions to encourage and accelerate the identification and classification of unidentified plant and animal species;

"(4) actions to promote public awareness of tropical forest preservation, protection of threatened and endangered species, and forest management planning;

"(5) the benefits of fencing or other management activities for the protection of Hawaii's native plants and animals from feral ungulates and non-native species, including the identification and priorities for the areas where these activities are appropriate;

"(6) traditional practices, uses, and needs of native Hawaiians in tropical forests; and

"(7) such other issues relating to tropical forests in Hawaii as the Task Force considers appropriate.

"(c) COMPOSITION.—The Task Force shall be composed of 11 members, of which—

"(1) two members shall be appointed by the Secretary of Agriculture as representatives of the United States Forest Service and the Soil Conservation Service, respectively;

"(2) two members shall be appointed by the Secretary of the Interior as representatives of the United States Fish and Wildlife Service and the National Park Service, respectively;

"(3) six members shall be appointed by the Governor of Hawaii, of which—

"(A) three members shall be private owners of tropical forest lands or experts in the field of tropical forestry; and

"(B) three members shall be representatives of Hawaii environmental organizations that have demonstrated expertise in the areas of tropical forest management, habitat preservation, and alien species control; and

"(4) one member shall be the chairperson of the Department of Land and Natural Resources, State of Hawaii, or the designated representative of the chairperson.

"(d) INITIAL APPOINTMENTS.—Appointments under section 605 to the Task Force shall be made not later than 90 days after the date of enactment of this section.

"(e) CHAIRPERSON.—The Task Force shall select a Chairperson from among its members.

"(f) VACANCIES.—A vacancy on the Task Force shall not affect its powers and shall be filled in the same manner as the original appointment.

"(g) COMPENSATION.—

"(1) IN GENERAL.—A member of the Task Force shall not receive compensation as a result of the performance of services for the Task Force.

"(2) TRAVEL EXPENSES.—The members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Task Force.

"(h) MEETINGS.—The Task Force shall meet within 180 days after the date of enactment of this section and shall meet at the call of the Chairperson.

"(i) VOTING.—The Task Force shall act and advise by majority vote.

"(j) ASSISTANCE.—

"(1) SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall support the Task

Force and ensure that the Task Force complies with the Federal Advisory Committee Act (5 U.S.C. App. 2).

"(2) SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall provide such assistance and support as are necessary to meet the objectives of the Task Force.

"(k) REPORT.—Not later than 1 year after its first meeting, the Task Force shall submit a report on actions taken to carry out this section to—

"(1) the Committees on Agriculture and Interior of the House of Representatives;

"(2) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

"(3) the Secretary of Agriculture; and

"(4) the Secretary of the Interior.

"(l) NONAPPLICABILITY OF CERTAIN PROVISIONS OF LAW.—Sections 7(d), 10(f), and 14 of the Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Task Force.

"(m) TERMINATION.—The Task Force and authority to carry out this section shall terminate 180 days after submitting the report required by subsection (k).

"SEC. 606. HAWAII TROPICAL FORESTRY PLAN.

"(a) EXPANSION.—The Secretary shall expand the capabilities of and construct additional facilities at the Institute of Pacific Islands Forestry and at tropical forests in the State of Hawaii, as the Secretary determines necessary to carry out this title, and as funds are appropriated for the expansion and construction.

"(b) TROPICAL FORESTRY PLAN.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall prepare and submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Committee on Agriculture of the House of Representatives, and to the Committees on Appropriations of the Senate and House of Representatives, a tropical forestry plan for the expansion and construction of additional facilities under subsection (a).

"(2) ELEMENTS.—The plan shall provide for—

"(A) the establishment of a model center for research, demonstration, education, and training activities suitable for transferring scientific, technical, managerial, and administrative assistance to foreign governmental and non-governmental institutions seeking to address problems associated with tropical forests;

"(B) the acquisition or construction of facilities for housing and classroom instruction near a tropical forest in the State of Hawaii;

"(C) the acquisition or construction of facilities for the study and recovery of endangered tropical wildlife, fish, and plant species and the restoration of their habitats;

"(D) achieving a better understanding of global climate change and the significance of achieving a reduction of greenhouse gases through research associated with the unique atmospheric conditions found in Hawaii and the Pacific Ocean; and

"(E) the establishment of demonstration tropical forests in the State of Hawaii where techniques of natural forest management, plantation forestry, and agroforestry can be demonstrated.

"(3) CAPABILITY.—In preparing elements of the plan that address paragraph (2)(E), the Secretary shall identify the capability of the plan, within proposed demonstration tropical forests—

"(A) to promote a greater understanding of tropical forest ecosystem processes, conservation biology, and biodiversity management;

"(B) to demonstrate the various benefits of maintaining a tropical forest reserve system;

"(C) to promote sound watershed and forest recreation management;

"(D) to develop compatible land uses adjacent to protected natural areas; and

"(E) to develop new methods of reclaiming degraded lands.

"SEC. 607. TROPICAL FOREST HEALTH ASSESSMENT.

"(a) IN GENERAL.—The Secretary is authorized to provide grants to State foresters or their equivalents in States with tropical forests to—

"(1) establish a monitoring system in tropical forests to identify baseline conditions and determine detrimental changes or improvements that occur over time;

"(2) detect and appraise stresses affecting tropical forests caused by insect infestations, diseases, feral ungulates, non-native animal and plant species, and by the influence of people; and

"(3) determine the causes of changes that are detected through experimentation, intensive monitoring, and data collection at affected tropical forest sites.

"(b) ANNUAL REPORTS.—The Secretary shall report annually on actions taken to carry out this section to the Committees on Agriculture and Interior of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

"SEC. 608. HABITAT PRESERVATION AND SPECIES PROTECTION OR RECOVERY IN TROPICAL FORESTS.

"The Secretary is authorized to provide matching Federal funds for State and private tropical forest programs that promote habitat preservation and species protection or recovery in tropical forests.

"SEC. 609. HAWAII HARDWOODS REVITALIZATION.

"The Secretary is authorized to provide grants to the State of Hawaii and to private individuals or organizations to initiate agroforestry and silviculture of hardwoods, including koa wood and sandalwood.

"SEC. 610. ALIEN SPECIES CONTROL.

"The Secretary is authorized to provide grants to State foresters or their equivalents and to private individuals or organizations in States with tropical forests for management activities, including the construction and maintenance of fences, to protect indigenous plant and animal species and essential watersheds from feral ungulates and other non-native animal and plant species.

"SEC. 611. TROPICAL FOREST STEWARDSHIP EXCELLENCE AWARDS.

"The Secretary shall make Tropical Forest Stewardship Excellence Awards to recognize the work, commitment, and achievements of individuals and organizations in the preservation, restoration, or wise stewardship of tropical forest ecosystems, resources, and watersheds.

"SEC. 612. ANNUAL REPORT ON INSTITUTES OF TROPICAL FORESTRY.

"Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall prepare and submit to the Committees on Agriculture and Interior of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the progress, needs, and long-range plans of the Institutes of Tropical Forestry in meeting the requirements of section 2407 of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6706).

"SEC. 613. COOPERATIVE AGREEMENTS.

"The Secretary is authorized to enter into cooperative agreements with State governments, private individuals, and institutions in order to carry out this title. The cooperative agreements may include tenancy arrangements for the siting of facilities and the establishment of demonstration tropical forests.

"SEC. 614. DEFINITIONS.

"As used in this title (unless the context otherwise requires):

"(1) INSTITUTES OF TROPICAL FORESTRY.—The term 'Institutes of Tropical Forestry' means the Institute of Tropical Forestry in Puerto Rico and the Institute of Pacific Islands Forestry established under section 2407 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6706).

"(2) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(3) STATE.—The term 'State' means each of the 50 States, Guam, American Samoa, the Republic of Palau (until the Compact of Free Association enters into effect), Puerto Rico, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.".

(b) CONFORMING AMENDMENT.—Section 602(b) of the International Forestry Cooperation Act of 1990 (Public Law 101-513; 104 Stat. 2070) is amended by striking "(hereinafter referred to in this title as the Secretary)".

SEC. 3. INTERNATIONAL FORESTRY COOPERATION.

(a) FOCUS OF ACTIVITIES.—Section 602(a) of the International Forestry Cooperation Act of 1990 (Public Law 101-513; 104 Stat. 2070) is amended by adding at the end the following new sentence: "In carrying out this authority with respect to tropical forests, the Secretary may carry out research, demonstration, education, and training activities at the Institutes of Tropical Forestry.".

(b) AUTHORITY FOR ACTIVITIES.—Section 602(b)(3) of such Act is amended—

(1) by inserting "(A)" after "(3)";

(2) by inserting "and" at the end of the paragraph; and

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

"(B) in the case of information or technologies with respect to tropical forests, carry out subparagraph (A) through foreign assistance or through research, demonstration, education, or training activities conducted at the Institutes of Tropical Forestry;".

(c) SCIENTIFIC EXCHANGE AND COOPERATIVE RESEARCH ACTIVITIES.—Section 602(b) of such Act is amended by striking paragraph (4) and inserting the following new paragraph:

"(4)(A) engage in scientific exchange and cooperative research with foreign governmental, educational, technical, and research institutions; and

"(B) in the case of exchange or research with respect to tropical forests, use the Institutes of Tropical Forestry to carry out the exchange or research with the foreign institutions; and".

[From the New York Times, July 24, 1990]

PREACHING TO BRAZIL FROM HAWAII

Americans lecture Brazil on the shameless destruction of its tropical forests. They would sound less sanctimonious if the United States took better care of its own tropical forests, in Hawaii and Puerto Rico.

Less than a quarter of Hawaii's original forests remain. At lower levels, almost all its native plant communities have been destroyed by land-clearing. The loss of habitat has driven 40 percent of Hawaii's native bird species into extinction and threatens three-quarters of those that remain.

Predation by introduced species is another source of destruction. Imported vines and

grasses suffocate the plants that evolved without competition. Rats prey on birds' nests. Mongooses were introduced in 1883 to control the rats, but instead have joined them in eating the birds' eggs. The extinction of bird species on Hawaii is a particular loss; they are a textbook example of evolution. The island's 47 species of honeycreeper all evolved from a single ancestor.

Hawaii has eight national wildlife refuges and four national parks. These include much of the habitat need to conserve its plants and animals. But neither the Fish and Wildlife Service nor the National Park Service has the necessary resources to do so. Their combined budget of $2 million needs to be $12 million, the National Resources Defense Council estimates in a new report.

Puerto Rico is also a story of lost opportunity. Most of the tropical forest seen by Columbus in 1493 has been cleared for farming and housing. But a large national forest and 14 forests managed by Puerto Rico still preserve 3,000 plant species and 232 species of birds These forests constitute only 4 percent of the island's area but are gradually expanding as agriculture diminishes.

The Federal Government has only a trivial budget for preserving the many threatened species, and the Commonwealth of Puerto Rico has neglected the chance to buy up critical habitat, despite a $2 million fund created for the purpose.

The world's ancient patrimony of tropical forests is now eroding at the rate of 40 to 50 million acres a year, according to an inventory recently published by the World Resources Institute. This is nearly 50 percent faster than earlier estimates.

Loss of the forests, a biological tragedy in itself, also spurs the danger of global warming as the burned trees shed their carbon dixode into the atmosphere. Because of the torching of its forests, Brazil is the world's third-largest creator of green-house gases, after the United States and the Soviet Union.

To preach respect for nature to Brazil, Americans need to practice it more assiduously in their own forests.

By Mr. PRYOR (for himself, Mr. MOYNIHAN, Mr. SASSER, Mr. WALLOP, Mr. AKAKA, Mr. SHELBY, Mr. HOLLINGS, Mr. GRAMM, Mr. COHEN, Mr. BUMPERS, Mr. ROCKEFELLER, Mr. SANFORD, and Mr. GRASSLEY):

S. 2680. A bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to consult with State medical societies in revising the geographic adjustment factors used to determine the amount of payment for physicians' services under part B of the Medicare Program, to require the Secretary to base geographic-cost-of-practice indices under the program upon the most recent available data, and for other purposes; to the Committee on Finance.

MEDICARE GEOGRAPHIC DATA ACCURACY ACT

Mr. PRYOR. Mr. President, I am pleased to be joined today by Senators MOYNIHAN, SASSER, SHELBY, WALLOP, AKAKA, HOLLINGS, GRAMM, and others in introducing the Medicare Geographic Data Accuracy Act of 1992. This legislation would reverse the Department of Health and Human Service's [HHS's] current practice of using old data in calculating differences in the costs of medical practice across the country for use in the Medicare part B fee schedule.

Although a goal of the Medicare Physician Payment Reform Act included in OBRA 89 was to even out some of the geographic differences in reimbursement, large discrepancies remain. Generally, the localities which have received the highest practice expense values are in the urban areas. The lowest practice expense values are largely in rural areas.

For example, physicians in my home Sate of Arkansas will be paid less than 90 percent of the national average payment for their services while doctors in Los Angeles will be paid over 110 percent of the national average. By requiring HHS to use accurate and updated data to calculate the geographic practice cost indices [GPCI's], this bill would take a small step toward addressing the geographic inequities in Medicare reimbursement for physicians.

OBRA 89 instructed the Secretary of HHS to develop indices for work, practice expenses, and malpractice expenses. Evidently, because of budget constraints, HHS decided to use only readily available data. Many physicians in my home State of Arkansas have voiced concerns about the data currently used by HHS.

My legislation will address the concerns about the data used by HHS. It will require HHS to use current, accurate, and regularly updated data when computing the geographic practice cost indices [GPCI's]. Also, it will require DHHS to consult with State medical societies in revising the geographic adjustment factors.

Mr. President, I would also like to take this opportunity to recognize Senator BENTSEN's ongoing commitment to assuring a fair and equitable implementation of Medicare physician payment reform. In recent weeks, my staff has worked closely with the staff of the Senate Finance Committee. I would like to take this opportunity to offer my appreciation for their assistance.

I know this issue also concerns Chairman BENTSEN, and I look forward to working with him to address the problems faced by doctors in Arkansas and elsewhere. I would like to lend my support to the chairman by cosponsoring the bill he is introducing today that complements my legislation by providing for refinement of the geographic adjustment factor used in Medicare reimbursement.

Mr. President, I urge the rest of our colleagues to join us as cosponsors and in ensuring that these proposals are enacted into law. I request unanimous consent that the text of the bill be inserted in the RECORD.

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

S. 2680

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 "Medicare Geographic Data Accuracy Act of 1992".

SEC. 2. IMPROVING ACCURACY OF GEOGRAPHIC ADJUSTMENTS USED TO DETERMINE PAYMENT FOR PHYSICIANS' SERVICES UNDER MEDICARE.

(a) REQUIRING CONSULTATION WITH STATE MEDICAL SOCIETIES IN REVISION OF GEOGRAPHIC ADJUSTMENT FACTORS.—Section 1848(e)(1)(C) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(C)) is amended by striking "may revise" and inserting "shall, in consultation with each State medical society (or other appropriate organization representing the majority of the physicians who practice in a State), revise".

(b) BASING GEOGRAPHIC-COST-OF-PRACTICE INDICES ON MOST RECENT AVAILABLE DATA.—

(1) IN GENERAL.—Section 1848(e)(1) of such Act (42 U.S.C. 1395w-4(e)(1)) is amended—

(A) by redesignating subparagraph (C) as subparagraph (D); and

(B) by inserting after subparagraph (B) the following new subparagraph:

"(C) DATA USED TO DETERMINE INDICES.—In establishing indices under subparagraph (A), the Secretary shall use the most recent available data relating to practice expenses, malpractice expenses, and physicians' work effort in the different fee schedule areas, and shall obtain and review the data in consultation with each State medical society (or other appropriate organization representing the majority of the physicians who practice in a State).".

(2) CONFORMING AMENDMENT.—Section 1848(e)(1)(A) of such Act (42 U.S.C. 1395w-4(e)(1)(A)) is amended in the matter preceding clause (i) by striking "and (C)" and inserting "and (D)".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to payments for physicians' services furnished on or after January 1, 1993.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 2681. A bill relating to Native Hawaiian Health Care, and for other purposes; to the Select Committee on Indian Affairs.

NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT

• Mr. INOUYE. Mr. President, I rise today to propose the introduction of a bill to reauthorize the Native Hawaiian Health Care Improvement Act.

Mr. President, I would like to take this opportunity to review those actions that have brought us to this point.

In 1984, I was able to secure the inclusion of language in Public Law 98-396, the Supplemental Appropriations Act for that year, which directed the Department of Health and Human Services to conduct a comprehensive study of the health care needs of native Hawaiians.

The study was conducted under the AEGIS or region IX of the Department by a consortium of health care providers and professionals from the State of Hawaii in a predominantly volunteer effort, organized by Alu Like, Inc.

An island-wide conference was held in November 1985 in Honolulu to provide an opportunity for members of the native Hawaiian community to review the study's findings. Recommended changes were incorporated in the final report of the native Hawaiian health research consortium, and the study was formally submitted to the Department of Health and Human Services in December 1985.

The Department submitted the report to the Congress on July 21, 1986, and the report was referred to the Select Committee on Indian Affairs.

Because the consortium reportings, findings as to the Health status of native Hawaiians was compared only to other populations within the State of Hawaii, the select committee requested that the Office of Technology Assessment [OTA], an independent agency of the Congress, undertake an analysis of native Hawaiian health statistics as they compared to national data in other U.S. populations.

Using the same population projection model that was employed in O.T.A.'s April 1986 report on Indian Health Care to American Indian and Alaska Native populations, and based on additional information provided by the Department of Health and the office of Hawaiian affairs of the State of Hawaii, the Office of Technology, assessment report contains the following findings:

The native Hawaiian population living in Hawaii consists of two groups, Hawaiians and part-Hawaiians, who are distinctly different in both age distributions and mortality rates. Hawaiians comprise less than 5 percent of the total native Hawaiian population and are much older than the young and growing part-Hawaiian populations.

Overall, Native Hawaiians have a death rate that is 24 percent higher than the death rate for the United States all races, but this composite masks the great differences that exist between Hawaiians and part-Hawaiians.

Hawaiians have a death rate that is 146 percent higher than the U.S. all-races rate. Part-Hawaiians also have a higher death rate, but only 17 percent greater.

A comparison of age-adjusted death rates for Hawaiians and part-Hawaiians reveals that Hawaiians die at a rate 110 percent higher than part-Hawaiians, and this pattern persists for all except one of the 13 leading causes of death that are common to both groups.

As in the case of the U.S. all-races population, Hawaiian and part-Hawaiian males have higher death rates than their female counterparts. However, when Hawaiian and part-Hawaiian males and females are compared to their U.S. all-races counterparts, females are found to have more excess deaths than males. Most of these excess deaths are accounted for by diseases of the heart and cancers, with lesser contributions from cerbrovascular diseases and diabetes mellitus.

Diseases of the heart and cancers account for more than half of all deaths in the U.S. all-races population, and this pattern is also found in both the Hawaiian and part-Hawaiian populations, whether grouped by both sexes or by male or female.

However, Hawaiians and part-Hawaiians have significantly higher death rates than their U.S. all-races counterparts, with the exception of part-Hawaiian males, for whom the death rate from all causes is approximately equal to that of U.S. all-races males.

One disease that stands out is diabetes mellitus, for which even part-Hawaiian males have a death rate 128 percent higher than the rate for U.S. all-races males.

Overall, Native Hawaiians die from diabetes at a rate that is 222 percent higher than for the U.S. all-races. When compared to their U.S. all-races counterparts, deaths from diabetes mellitus range from 630 percent higher for Hawaiian females and 538 percent higher for Hawaiian males, to 127 percent higher for part-Hawaiian females and 128 percent higher for part-Hawaiian males.

There is thus little doubt that the health status of native Hawaiians is far below that of other U.S. population groups, and that in a number of areas, the evidence is compelling that native Hawaiians constitute a population group for whom the mortality rate associated with certain diseases exceed that for other U.S. populations in alarming proportions.

Native Hawaiians premise the high mortality rates and the incidence of disease that far exceed that of other populations in the United States upon the breakdown of the Hawaiian culture and belief systems, including traditional healing practices, that was brought about by western settlement, and the influx of western diseases to which the native people of the Hawaiian Islands lacked immune systems.

Further, native Hawaiians predicate the high incidence of mental illness and emotional disorders in the native Hawaiian population as evidence of the cultural isolation and alienation of the native peoples, in a statewide population in which they now constitute only 20 percent.

Settlement from both the East and the West not only brought new diseases which decimated the native Hawaiian population, but which devalued the customs and traditions of native Hawaiians, and which eventually resulted in native Hawaiians being prohibited from speaking their native tongue in school, and in many instances, at all.

The concepts embodied in the Native Hawaiian Health Care Act are the result of the committee's work with native Hawaiian health care professionals and others who dedicated to improving the health status of native Hawaiians.

It is based on the beliefs of those with whom the committee has consulted, that to ensure that native Hawaiians are able to achieve the healthful harmony of the self—body, mind, spirit—or Lokahi, with others and all of nature, and to assure that native Hawaiians are able to function effectively as citizens and leaders in their own homeland, there must be a restoration of cultural traditions, an integration of traditional healing methods in the health care delivery system, and a collective effort to restore to the native Hawaiian, a sense of self-esteem and self-worth, both for his or her culture, as well as for the individual.

A group of native Hawaiian health care professionals known as E Ola Mau, had proposed that this effort begin with the development of a health care master plan, based on bio-psycho-socio-cultural-political model that would be aimed at identifying significant events and factors related to specific health care needs and issues.

E Ola Mau proposed that this master plan be implemented at every societal level—individual, household, community, county, and State—in the Hawaiian Islands, and it is the goal of the act to have this native Hawaiian way of dealing with health, eventually become an institutional part of the State's health policy for both native Hawaiian and non-Hawaiians.

After much debate and careful consideration in the native Hawaiian community and amongst those concerned with the health status of native Hawaiians, a consensus was reached that Papa Ola Lokahi, a native Hawaiian health board, should be the mechanism through which native Hawaiian health care systems could be developed, coordinated, administered, monitored, and continually revised to meet the changing health care needs of the native Hawaiian population.

Papa Ola Lokahi is currently composed of five organizations: First, The Office of Hawaiian Affairs, an agency mandated in the constitution of the State of Hawaii to assure the well-being and interests of native Hawaiians; second, E Ola Mau, a nonprofit organization of native Hawaiian professionals dedicated to ensuring that native Hawaiians achieve a healthful harmony of self—body, mind, and spirit—with others and all of nature, and become productive citizens and leaders in their homeland; third, Alu Like, Inc., a federally funded native Hawaiian agency that promotes vocational training and the founding of community-based organizations that promote health, education and economic development for native Hawaiians; fourth, the University of Hawaii, which has become the institutional leader in affirmative action programs that train native Hawaiian physicians, is involved in cross-

cultural and clinical training and research, and which sets the quality and standard of health care in the State's medical community; and fifth, The Office of Hawaiian Health within the State Department of Health.

Papa Ola Lokahi has assumed the primary responsibility of overseeing the development of a native Hawaiian comprehensive health care master plan, and is the entity responsible for certifying to the Secretary the qualifications and capabilities of native Hawaiian organizations that petition the Secretary to carry out, pursuant to contracts with the Secretary, the provisions of the Act.

Over the last 2 months, the committee has worked with the representatives the Papa Ola Lokahi board and the five native Hawaiian health care systems on a measure to reauthorize the native Hawaiian Health Care Act.

Mr. President, there can be no question that the health status of the native people of Hawaii must be improved, nor that the Federal Government has a role to play in this effort. I look forward to working with my colleagues in the Senate to assure expeditious action on this measure.●

By Mr. BUMPERS (for himself and Mr. WARNER):

S. 2682. A bill to direct the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the beginning of the protection of Civil War battlefields, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

CIVIL WAR BATTLEFIELD COMMEMORATIVE COIN ACT

● Mr. BUMPERS. Mr. President, on more than one occasion I have made the statement on the floor of the Senate that I consider the Civil War to be the most momentous event in this republic's history. On October 7, 1988, I appealed to my colleagues to take action to prevent the building of a shopping mall on the spot that Gen. Robert E. Lee selected for his headquarters for the Second Battle of Manassas.

The amendment I offered that evening won the approval of the Senate and the battlefield was saved. I will always regard that vote as one of the highlights of my career in the Senate. At the same time, it is a victory that I hope never have to repeat, not because I don't enjoy winning, and not because I'm uninterested in saving more battlefields, but because we must take action to plan for strategic and cost effective preservation of the Civil War battlefields.

Battlefields memorialize the ideals, the courage, the character, and the sacrifices of the men and women who participated in our Nation's struggles for birth and freedom. They are hallowed ground and give us insight into the history we must respect and understand to build a future.

Less than 15 percent of the Civil War battlefield sites are protected by the Federal Government. Unprotected sites are threatened by unprecedented development pressures while land values have pushed land prices beyond the resources of Government and private land acquisition and protection programs. Most of the sites could be lost within the next 5 years but the reality of the Federal Government's fiscal situation is that there is not enough money to purchase these sites and preserve them.

I am introducing the Civil War Coin Act of 1992, along with my good friend and colleague, Senator WARNER. The issuance and sale of Civil War coins to commemorate the 100th anniversary of Civil War battlefield preservation will generate $10 to $30 million which would go to the Civil War Battlefield Foundation to be used for the preservation of our Civil War battlefield sites. I ask unanimous consent that a copy of the bill be printed following my remarks.

We cannot afford to wait until the bulldozers are poised to raze a battlefield before we take action. We owe it to generations of Americans to act responsibly to preserve the battlefields of the Civil War.●

● Mr. WARNER. Mr. President, I rise to bring to the attention of my colleagues the legislation which Senator BUMPERS and I are introducing today to commemorate the 100th anniversary of Civil War battlefield preservation. The bill is known as the Civil War Coin Act of 1992. The legislation would authorize the Secretary of the Treasury to mint coins in commemoration of the upcoming anniversary date.

The adoption of this legislation would encourage private sector funding for the preservation of the historical and cultural heritage that is our battlefield lands.

Protection of our battlefield heritage is undeniably a national purpose. Historically, Congress has shown its commitment to this endeavor. In times of budget austerity, it is clear that the private sector must bear more responsibility for saving our national battlefields. The Civil War Coin Act of 1992 provides the opportunity for the private sector to make the necessary contributions.

In 1988, the Congress saved 542 acres adjacent to Manassas National Battlefield from development. This land purchase expressed the support in our country and in the Congress for battlefield preservation. The Manassas experience inspired the creation of a public/private partnership. The partnership is spearheaded by the American Battlefield Protection Program of the National Park Service and the Civil War Battlefield Foundation, a private organization.

The primary role of the Civil War Battlefield Foundation is to lead a national campaign to raise the resources necessary to save America's endangered battlefields. The total surcharges received from the sale of coins under this act would go to the Foundation to be used for the preservation of our Civil War battlefield legacy.

Battlefields memorialize the ideals, the courage, the character and the sacrifices of the men and women who participated in our Nation's struggles for freedom. The battlefields give us insight into the history we must respect and understand to build a future.

Unprotected battlefield sites are now threatened by unprecedented development pressures. Escalating land values have pushed land prices beyond the resources of Federal, State, and local land acquisition and protection programs. Most of our battlefield legacy could be lost forever within the next few years. There is a need for coordinated public and private efforts to save our battlefield heritage. The Civil War Coin Act of 1992 would be one crucial means of seeking to preserve our battlefields.●

By Mr. BENTSEN (for himself, Mr. MOYNIHAN, Mr. CHAFEE, Mr. PRYOR, and Mr. GRASSLEY):

S. 2683. A bill to amend title XVIII of the Social Security Act to provide for refinement of the geographic adjustment factor used for purposes of reimbursing physicians' services under Medicare, and for other purposes; to the Committee on Finance.

MEDICARE GEOGRAPHIC DATA ACCURACY ACT

● Mr. BENTSEN. Mr. President, on January 1 of this year, Medicare began phasing in an entirely new system of paying physicians. Under this system, much—but not all—of the geographic variation in payments that existed in the past will be eliminated.

When it approved this new system, Congress agreed to retain some geographic variation in fees because organizations like the Physician Payment Review Commission [PPRC] and the American Medical Association [AMA] advised us that failure to adjust for costs over which the individual physician has no control would give practitioners in low-cost areas a "windfall," while penalizing practitioners in high-cost areas.

Even so, geographic variations in what Medicare pays for the same service will be greatly reduced under the new system. For example, the Health Care Financing Administration [HCFA] indicates that the amount paid for one type of office visit under the old system varied by as much as 955 percent, while the maximum variation for a similar visit in the future will be 29 percent. Likewise, in its 1992 report to Congress, the Physician Payment Review Commission [PPRC] notes that maximum variation in payment for the average service will be about 32 percent, while "three- and four-fold differences in charges were common" in the past.

The instrument of this change is the geographic practice cost index or GPCI, which will be used to adjust payments for each service when the new system is fully implemented. Occurring in tandem with Medicare's shift to a resource-based relative payment system, the phase in of this geographic adjuster will have nearly as great an effect on payments to physicians as the resource-based approach itself.

Unfortunately, although researchers used what was probably the best available data when they initially developed the GPCI, the adjuster is still far from perfect. Its most glaring deficiency is that estimates of variations in the wages paid to nurses and other physician-office employees were based on data drawn from the 1980 census. While HCFA is required to revise and update the GPCI at least every 3 years, the agency has indicated that it is unlikely to revise the index before 1995—when wage data that is already 5 years old will probably replace the 15-year-old census data.

Critics of the GPCI have raised other concerns as well, such as the representativeness of the premium data used to measure variations in malpractice expenses, and the appropriateness of using housing rents as a proxy for the costs of commercial office space.

Mr. President, I recognize that updating and refining the GPCI—or any geographic adjustment factor—is a thankless task in many ways. No matter how carefully and conscientiously the job is done, an index of this sort always creates winners and losers—and providers whose payments are reduced by it almost always conclude that some aspect of the index unfairly disadvantages them. Obviously, this doesn't provide a strong incentive for an agency to devote substantial time and effort to improve the product.

I also understand that HCFA has an enormous amount of work to do in order to keep up with the day-to-day challenges of administering a program as complex as Medicare.

In my view, however, refinement of the GPCI must be one of the agency's top priorities in the coming years because of the significant redistributional effects the index will have. I would note that Senator PRYOR, a cosponor of this bill, is today also introducing a separate measure designed to address this issue. During the 1989 debate over physician payment reform, I fought for a gradual, 5-year transition to the new system so that problems like this could be resolved along the way, and I would be deeply troubled if we arrive at the end of the transition without making substantial progress on this issue.

The bill I am introducing today would require HCFA to update the GPCI a year earlier than it currently plans to, and it would also require the agency to report to Congress on how it plans to comply with the current law requirement that it update the adjuster at least every 3 years thereafter.

It would also clarify HCFA's authority to compensate for inadequacies in the data for a particular area that are caused by unique local conditions, such as rent control legislation, State-mandated contributions to patient compensation funds, and other factors.

And it would require HCFA to report on the feasibility and desirability of making a special GPCI adjustment for physicians in isolated areas who have fewer patients over which to spread the costs of expensive medical equipment, as was recommended by PPRC in 1990.

Mr. President, in crafting this bill I have carefully avoided any provisions that would tell HCFA how to refine the GPCI. I have done this for two reasons. First, the issues involved are exceedingly complex and technical, matters that can be resolved better through the regulatory than the legislative process. Second, legislation designed to produce a particular outcome on this issue could politicize the new physician payment system and undermine confidence in its fairness and impartiality.

But failure to address the GPCI's most egregious problems could also undermine confidence in the new system, and I am concerned that unless HCFA moves expeditiously to refine the geographic adjuster, it may invite more restrictive legislation in the future. In my view, that would be unfortunate.

I ask unanimous consent that the full text of S. 2683 be printed in the RECORD.

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

S. 2683

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

SECTION 1. REFINEMENT OF GEOGRAPHIC ADJUSTMENT FACTOR FOR MEDICARE PHYSICIANS' SERVICES.

(a) DEADLINE FOR INITIAL REVIEW AND REVISION.—Section 1848(e)(1)(C) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(C)) is amended by adding at the end the following: "The first such review and revision shall apply to services furnished on or after January 1, 1994.".

(b) AUTHORITY TO ADJUST INDEX VALUE FOR INPUT COMPONENT UNDER CERTAIN CIRCUMSTANCES.—(1) Section 1948(e)(1) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)) is amended—

(A) in subparagraph (A), by striking "(B) and (C)" and inserting "(B), (C), and (D)";

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

"(C) SPECIAL ADJUSTMENT TO CORRECT FOR UNIQUE LOCAL CIRCUMSTANCES.—The Secretary may adjust the value assigned to an input component of an index in a fee schedule area if the Secretary determines that the value that would otherwise apply in such area does not accurately reflect the relative costs of such input for such area because of unique local circumstances.".

(2) Section 1848(i)(1)(D) of the Social Security Act (42 U.S.C. 1395w-4(i)(1)(D)) is amended by inserting "(including any adjustment under subparagraph (C) thereof)" after "subsection (e)".

(c) REPORT ON REVIEW PROCESS.—Not later than April 1, 1993, the Secretary of Health and Human Services in this section referred to as the "Secretary") shall study and report to the Committee on Finance of the Senate and the Committees on Ways and Means and Energy and Commerce of the House of Representatives on—

(1) the data necessary to review and revise the indices established under section 1848(e)(1)(A) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(A)), including—

(A) the shares allocated to physicians' work effort, practice expenses (other than malpractice expenses), and malpractice expenses;

(B) the weights assigned to the input components of such shares; and

(C) the index values assigned to such components;

(2) any limitations on the availability of data necessary to review and revise such indices at least every three years;

(3) ways of addressing such limitations, with particular attention to the development of alternative data sources for input components for which current index values are based on data collected less frequently than every three years; and

(4) the costs of developing more accurate and timely data sources.

(d) STUDY ON LOW-VOLUME ADJUSTMENT IN ISOLATED AREAS.—(1) Not later than July 1, 1993, the Physician Payment Review Commission shall study and report to the Committee on Finance of the Senate and the Committees on Ways and Means and Energy and Commerce of the House of Representatives on the feasibility and desirability of providing for a special adjustment to the index value of the medical equipment and supplies input component of the index used under section 1848(e) of the Social Security Act (42 U.S.C. 1395w-4(e)) with respect to services described in paragraph (2).

(2) Services described in this paragraph are services—

(A) furnished by a physician who practices in an isolated area;

(B) requiring the presence of expensive medical equipment and supplies in the physician's office; and

(C) with respect to which the cost per service of operating the equipment is increased because of the low volume of patients of such physician.●

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2684. A bill relating to the settlement of the water rights claims of the Jicarilla Apache Tribe; to the Select Committee on Indian Affairs.

JICARILLA APACHE TRIBE WATER RIGHTS SETTLEMENT ACT

Mr. DOMENICI. Mr. President, the Jicarilla Apache Tribe of north-central New Mexico has completed a historic water settlement. I am most pleased to be joined by my colleague Senator JEFF BINGAMAN in introducing the legislation necessary to ratify this important settlement.

Enactment of this bill and its related settlement contract with the U.S. Department of the Interior will settle claims that the Jicarilla Apache Indian

Tribe has against the United States and will provide a perpetual water supply to the tribe.

The Jicarilla Apache Tribe resides on a reservation of approximately 823,000 acres straddling the Continental Divide. Their location has placed them between two major Federal water projects—the San Juan-Chama Transmountain Diversion Project on the east side and the Navajo Reservoir on the west.

While both projects have a direct impact on the tribe's water resources, the tribe has not been a participant to date in either water project even though upstream water had been diverted to other uses and downstream water has also been impounded. The tribe's location and historic use of water entitles it to claim water from both sides of the Continental Divide.

To protect their water rights, the tribe has filed two lawsuits against the Secretary of the Interior alleging injury resulting from the construction of those water projects.

Our proposed legislation, Mr. President, provides for "the full, fair and final resolution of the water right claims of the tribe," against all parties and secures "to the tribe a perpetual water supply for use on its reservation."

The Secretary of Interior has determined through hydrologic studies that there is sufficient water to fulfill the terms of this act and the related settlement contract. These waters are subject to the Upper Colorado River Basin compact, articles III and XIV. No change is made in that compact or any other water agreements by this legislation.

Approval of this legislation will ratify and incorporate the related contract. It will also "authorize the actions and appropriations necessary for the United States to fulfill its obligations under such contract and this Act." This legislation and settlement contract have the full support of the New Mexico Interstate Stream Commission.

This legislation enables the Jicarilla Apache Tribe to enter into stipulated final decrees with the State of New Mexico to quantify the tribe's water rights in two separate water basins. The tribe will be allowed to market water for off-reservation use consistent with State law until the tribe has an on-reservation use.

The tribe's federally reserved water rights are subordinated to its rights under the settlement contract. The contract will provide a supply of 40,000 acre-feet per year for a perpetual water supply. Of that amount, diversion from the Navajo Reservoir Supply or Navajo River will be 33,500 acre-feet per year and 6,500 acre-feet per year will be from the San Juan-Chama Project. The water depletions will not exceed the amounts in the settlement contract.

In executing this contract, our bill requires that the Secretary of the Interior "shall comply with all aspects of the National Environmental Policy Act of 1969, the Endangered Species Act, and other applicable environmental laws and regulations in fulfilling the terms of the Settlement Contract."

A water resource development trust fund is also created for the tribe in the U.S. Treasury in the amount of $6 million capitalized at $2 million per year for 3 years. These funds are to be used for "any water resource development costs, including costs associated with this settlement." No per capita distribution of this trust fund or its benefits will be allowed.

In summary, the Jicarilla Apache Tribe of northern New Mexico will be able to make use of valuable water rights in two key water systems in New Mexico for the first time since major diversion projects were constructed. No modifications of existing water agreements will be necessary, and none are required by this bill.

As stated in the bill's findings, "a full and final settlement of the water rights claims of the Jicarilla Apache Tribe will inure to the benefit of the tribe, the State of New Mexico, and the United States."

I ask unanimous consent that the bill be appropriately referred.

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

By Mr. RIEGLE:

S. 2685. A bill to extend and enhance the operation of the Super 301 provisions of the Trade Act of 1974, to provide for Super 301 action with respect to U.S.-produced motor vehicles and motor vehicle parts, and for other purposes; to the Committee on Finance.

FAIR TRADE ASSURANCES ACT OF 1992

• Mr. RIEGLE. Mr. President, today I am introducing the Fair Trade Assurances Act of 1992 to reinvigorate the arsenal of trade tools available to our negotiators, our industries, and our workers. I understand Chairman ROSTENKOWSKI is introducing his plan for increased fair trade and more open markets today as well. It is important that Congress reassert its right to direct U.S. trade policy and encourage improvements in the enforcement of our trade laws.

My legislation responsibly melds together provisions to extend and reform Super 301, mandate 301 and antidumping cases on automobiles and auto parts, assure more stringent application of U.S. Internal Revenue laws, and clarify the classification of motor vehicles for the transport of goods. I believe these provisions, which are supported by a number of Senators, House Members, and representatives from industry and labor are realistic and should be passed by the Congress and signed by the President as soon as possible.

My bill permanently extends Super 301, which expired in June 1990. It also strengthens Super 301 by requiring the USTR to deal with those sectors which make up the largest portions of our trade and current account deficits, and continue to be severely devastated by persistent trade cheating.

Second, this bill mandates a 301 and antidumping cases on autos and auto parts. By doing this, Congress is acknowledging what USTR has ignored—unfair trade practices have injured these vital U.S. industries. Studying the devastation of our auto and auto parts industries does nothing for the U.S. economy or the 16 million unemployed Americans, many of whom are victims of unfair trade practices associated with these industries. My bill encourages the USTR to make the transition from the research and study mode to the act and get results made for these important sectors of our economy.

Third, my bill deals with enforcement of U.S. tax laws by the Internal Revenue Service [IRS] on foreign subsidiaries located in the United States. This issue has been an ongoing concern of the Congress, and it continues to make headline news. Congress included a provision in the 1990 budget agreement to give the IRS additional resources to recover this revenue through increased audits and investigations of foreign subsidiaries in the U.S. My legislation mandates that the IRS prepare a report detailing the use of these funds by the IRS with regard to foreign subsidiaries.

Finally, my legislation builds on the efforts of the Senate Finance committee to correct a gross error by the U.S. Treasury Department by including an MPV tariff reclassification provision in the tax bill, which passed the Senate in March 1992. Unfortunately, the provision was stripped out of the tax bill during conference on H.R. 4210. My new trade bill includes an MPV provision to properly classify, as the U.S. Customs Service ruled, two-door multipurpose vehicles [MPV's] as trucks and 4-door MPV's as trucks at a 25-percent tariff, not passenger cars at a 25-percent tariff. This provision will raise Federal revenues by $220 million in fiscal year 1992 and $1 billion over the next 5 years.

The Finance Committee held hearings on authorizations for the U.S. Trade Representative [USTR], the International Trade Commissions [ITC], and the U.S. Customs Service. These hearings revealed that our Government efforts to achieve real, measurable results in gaining market access and reducing nontariff trade barriers for U.S. industry have been sorely lacking—due, in part, to inadequate resources and in part to a lack of will to bring about significant change. This reality was reinforced in the 1992 National Trade Estimates Report which

recounted the continued failures of our negotiators to do more than study the trade problems that many of our industries and workers face day after day.

Mr. President, there are dangerous situations on the horizon which have major trade implications that we should not ignore. Most notable is the slump in the Japanese stock market and Japan's economic slowdown. In the last month, the Banking Committee has held two hearings on the downturn in the Japanese economy and its relevance to the health of the United States economy.

The already struggling United States economy, and our exporters will be adversely affected by the policies that Japan implements to take care of its problems at home. If history is any indication of what Japan's internal policies will do to United States export performance and market access in Japan, then we should prepare now to meet the trade barriers that Japan will reinforce against exports, especially those from the United States. We must have some plan to counter expectations that Japan's global trade surplus could hit a record $100 billion in 1992.

In addition, as we await the completion of the North American Free-Trade Agreement [FTA], and possibly a Chilean FTA, sooner rather than later, it is essential that we preserve the rights of American industry to deal with the fallout that will inevitably come from such arrangements. As such, we must shore up the ability of the USTR to confront the challenges that will affect our environment and the standard of living of millions of Americans.

In this light, I propose using the $220 million raised by my bill from the reclassification of MPV's to increase the resources available to the U.S. Trade Representative [USTR] in fiscal year 1993. These resources should be properly apportioned, with emphasis given to the newly established offices for environmental and labor trade-related activities, especially as they relate to the NAFTA and the General Agreement on Tariffs and Trade [GATT].

We need an economic strategy for America that includes the negotiating tools and funding I have provided in this legislation to confront the challenges we will face on the trade front in the next couple of years. A U.S. trade policy without these results-oriented elements will be like some of the trade agreements we have signed more recently, like the Airbus and semiconductor agreements—useless and unenforceable.●

ADDITIONAL COSPONSORS

S. 781

At the request of Mr. SARBANES, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 781, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 1032

At the request of Mr. DANFORTH, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1032, a bill to amend the Internal Revenue Code of 1986 to stimulate employment in, and to promote revitalization of, economically distressed areas designated as enterprise zones, by providing Federal tax relief for employment and investments, and for other purposes.

S. 1126

At the request of Mr. BINGAMAN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1126, a bill to amend title XVIII of the Social Security Act to provide for coverage of payment for home health services where an individual is absent from the home at an adult day center.

S. 1451

At the request of Mr. BIDEN, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1451, a bill to provide for the minting of coins in commemoration of Benjamin Franklin and to enact a fire service bill of rights.

S. 1537

At the request of Mr. BROWN, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 1537, a bill to amend the National Trails System Act to designate the American Discovery Trail for study to determine the feasibility and desirability of its designation as a national trail.

S. 2062

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 2062, a bill to amend section 1977A of the Revised Statutes to equalize the remedies available to all victims of intentional employment discrimination, and for other purposes.

S. 2064

At the request of Mr. HATFIELD, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 2064, a bill to impose a one-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. 2106

At the request of Mr. CRANSTON, the names of the Senator from Delaware [Mr. ROTH] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 2106, a bill to grant a Federal charter to the Fleet Reserve Association.

S. 2134

At the request of Mr. FOWLER, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2134, a bill to provide for the minting of commemorative coins to support the 1996 Atlanta Centennial Olympic Games and the programs of the United States Olympic Committee.

S. 2327

At the request of Mr. HATFIELD, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 2327, a bill to suspend certain compliance and accountability measures under the National School Lunch Act.

S. 2372

At the request of Mr. CRANSTON, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 2372, a bill to amend 1718 of title 38, United States Code, to provide that the compensation of veterans under certain rehabilitative services programs in State homes not be considered to be compensation for the purposes of calculating the pensions of such veterans.

S. 2484

At the request of Mr. KASTEN, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Alabama [Mr. HEFLIN], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 2484, a bill to establish research, development, and dissemination programs to assist State and local agencies in preventing crime against the elderly, and for other purposes.

S. 2575

At the request of Mr. CRANSTON, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 2575, a bill to amend chapter 74 of title 38, United States Code, to revise certain pay authorities that apply to nurses and other health care professionals, and for other purposes.

S. 2606

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 2606, a bill to further clarify authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands.

S. 2624

At the request of Mr. GLENN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor 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. 2646

At the request of Mr. LUGAR, the names of the Senator from Indiana [Mr. COATS], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 2646, a bill to amend the Rural Electrification Act of 1936 to provide eligible rural electric borrowers with the means to secure necessary financing from private sources, and for other purposes.

SENATE JOINT RESOLUTION 231

At the request of Mr. THURMOND, the names of the Senator from Maryland [Mr. SARBANES], and the Senator from Vermont [Mr. JEFFORDS] 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 247

At the request of Mr. DOLE, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Senate Joint Resolution 247, a joint resolution designating June 11, 1992, as "National Alcoholism and Drug Abuse Counselors Day."

SENATE JOINT RESOLUTION 252

At the request of Mr. DIXON, the names of the Senator from Washington [Mr. ADAMS], the Senator from Michigan [Mr. RIEGLE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Tennessee [Mr. SASSER], the Senator from Kentucky [Mr. FORD], and the Senator from Colorado [Mr. WIRTH] 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 273

At the request of Mr. SEYMOUR, the names of the Senator from Nevada [Mr. REID] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Joint Resolution 273, a joint resolution to designate the week commencing June 21, 1992, as "National Sheriffs' Week."

SENATE JOINT RESOLUTION 284

At the request of Mr. SPECTER, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Iowa [Mr. GRASSLEY], the Senator from Colorado [Mr. BROWN], the Senator from Michigan [Mr. LEVIN], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIEGLE], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Arizona [Mr. DECONCINI], the Senator from Alabama [Mr. HEFLIN], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 284, a joint resolution designating August 4, 1992, as "National Neighborhood Crime Watch Day."

SENATE JOINT RESOLUTION 288

At the request of Mr. LIEBERMAN, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Joint Resolution 288, a joint resolution designating the week beginning July 26, 1992, as "Lyme Disease Awareness Week."

SENATE CONCURRENT RESOLUTION 94

At the request of Mr. DODD, the names of the Senator from Arizona [Mr. DECONCINI], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Concurrent Resolution 94, a concurrent resolution urging the Government of the United Kingdom to address continuing human rights violations in Northern Ireland and to seek the initiation of talks among the parties to the conflict in Northern Ireland.

SENATE RESOLUTION 289

At the request of Mr. D'AMATO, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Resolution 289, a resolution honoring the "Righteous Gentiles" of the Holocaust during WWII.

SENATE CONCURRENT RESOLUTION 115—RELATING TO WELCOMING OF THE PRESIDENT OF THE UKRAINE, PRESIDENT LEONID KRAVCHUK, TO THE UNITED STATES

Mr. LIEBERMAN (for himself and Mr. DODD) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 115

Whereas the United States has always respected the right of self-determination of peoples and nations;

Whereas the United States supports the development of democracy throughout the world;

Whereas the United States supports the development of market-based economies;

Whereas the people of Ukraine have committed themselves to the establishment of a democracy;

Whereas the people of Ukraine have committed themselves to building a market-based economy; and

Whereas the United States recognizes the unique and distinct history of the Ukrainian people and nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) the Congress hereby applauds the heroic efforts of the Ukrainian people to establish their own nation.

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

(1) the United States should fully recognize and support the independence of Ukraine; and

(2) the United States should support the efforts of Ukraine to establish democracy and a market-based economy.

(c) The Congress hereby welcomes President Leonid Kravchuk of the Ukraine on his visit to the United States.

• Mr. LIEBERMAN. Mr. President, I am introducing today a resolution to indicate support for an independent Ukraine and to welcome Ukrainian President Leonid Kravchuk on his state visit to the United States.

Ukraine is a nation rich in history and culture. Although Ukraine literally means borderland, at one point in its long and rich history, Ukraine or Kievan Rus was the center of what became the Russian/Slavic empire. As the Russian empire grew, the center shifted from Kiev to Moscow and Russia eventually came to dominate Ukraine. By the end of the 18th century, Russia had control over all of Ukraine, except Galacia, which was part of the Austro-Hungarian empire. It was at this point that the Tsars began to clamp down on Ukrainian nationalism, doing their best to Russify Ukraine.

The great wave of Ukrainian immigrants to the United States occurred at the end of the 19th century and the beginning of the 20th century, as a result of economic hardships at home. By 1918, in the wake of the Russian Revolution, the first independent Ukrainian state combining East and West Ukraine was formed. Unfortunately, this was short-lived, and by 1924, Ukraine was again a part of the Soviet-Russian empire.

Ukrainians suffered under Soviet rule, particularly under Stalin. There was a great famine in the early 1930's in Ukraine, killing an estimated 5 million people. The kulaks, or middle class farmers, many of whom lived in Ukraine, were systematically liquidated by Stalin because he thought they were a threat to his collectivization program. As many as 10 million kulaks were murdered by Stalin. While Ukrainian nationalism never died completely, it was severely suppressed as a result of these actions by Stalin.

In 1986, yet another blow struck at the Chernobyl Nuclear Power Plant. That disaster further incensed Ukrainian nationalists, who were beginning to emerge under perestroika. President Kravchuk understood the anger and desire of Ukrainian people to be free and became an advocate for Ukrainian independence. His efforts, along with those of the leading nationalist movement, Rukh, have made it possible for Ukraine to become independent.

I know that all my colleagues want to join me in expressing support for the people of Ukraine in their struggle to create market-based economy and democracy, and to welcome President Kravchuk to the United States.•

SENATE CONCURRENT RESOLUTION 116—AUTHORIZING CORRECTIONS IN THE ENROLLMENT OF S. 838

Mr. DODD (for himself and Mr. COATS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 116

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the text of the bill (S. 838) to amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such Act, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 116(a)(4) of the bill—

(A) by adding "and" after the semicolon in subparagraph (C); and

(B) by striking out subparagraph (D) and all that follows and inserting in lieu thereof the following new subparagraph:

"(D) by striking out 'handicaps;' in subparagraph (F), and inserting in lieu thereof 'disabilities'.".

(2) In section 117 of the bill—

(A) by inserting "(a) IN GENERAL.—" before "Section 114(a)"; and

(B) by adding at the end thereof the following new subsection:

"(b) DELAYED EFFECTIVE DATE.—Paragraph (2) of section 114(a), as amended by subsection (a), shall become effective on October 1 of the first fiscal year for which $30,000,000 or more would be available under subsection (a)(2)(B)(ii) of such section 114 (if such subsection were in effect), and until such fiscal year, the second and third sentences of section 114(a) (as in effect prior to the amendment made by such subsection (a)) shall continue in effect.".

(3) In section 124(2)—

(A) by striking out subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

SENATE RESOLUTION 294—RELATIVE TO RECENT EVENTS IN LOS ANGELES AND REGARDING AN URBAN RENEWAL POLICY

Mr. MACK submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 294

Whereas recent tragedies in Los Angeles, California have filled the hearts of all Americans with dismay and require the Congress to immediately consider policies which provide hope, economic growth and opportunities to the poor throughout this nation;

Whereas these events have highlighted the cry of the poor for such policies;

Whereas Federal policies must contribute to an environment in which job opportunities are created and sustained;

Whereas opportunities for economic independence promote the stability of the family, and therefore, of the community and the nation;

Whereas Federal policies must open educational choice to all families, without regard to family income;

Whereas homeownership and the accumulation of assets must be encouraged for every American, including the poor;

Whereas these assets create a stake in one's community;

Whereas America cannot be competitive without the participation of every segment of American society;

Whereas such Federal policies must have as a primary goal the creation of opportunities within which individuals may lift themselves from poverty: Now, therefore, be it

Resolved by the Senate, That the Senate must quickly act to bring about—

(1) the reform of social programs toward rewarding the working poor, rather than penalizing them, which will also lead to self-sufficiency

(2) creation of a tax code that provides incentives to the poor disadvantaged to work, save and invest and to keep families together;

(3) the expansion of homeownership opportunities which will open the door for the poor to take pride in private property;

(4) the reduction of taxes on the working poor which will encourage savings and accumulation of assets, promoting self-sufficiency;

(6) the elimination of the capital gains tax for investments in inner cities which will bring jobs and general economic growth to distressed areas;

(7) the creation of more educational choice for poor families which will give poor children the opportunity to break the barriers of poverty early in life, giving them the best hope for a bright future.

• Mr. MACK. Mr. President, today I am submitting a sense-of-the-Senate resolution which urges action by the Senate in the aftermath of the tragic events in Los Angeles.

There are three intertwined issues that have come into focus.

The first issue is the judicial question relating to the Rodney King verdict. Like so many Americans, I was shocked by the decision. Based on the video alone, I had thought the officers involved would be found guilty. I'm sure many if not most Americans felt the same way. The outrage felt by everyone, especially in the black community, is understandable. But turning that outrage into violence is simply unacceptable.

The second issue is the law and order question. No matter how shocking the verdict, violence is always wrong. There is no justification for senseless mayhem, for rioting, for murder. None. Laws reflect fundamental civil principles that cannot be compromised. Each of us bears an individual responsibility to respect the law that is not conditional on whether or not a particular verdict is right or wrong.

The third issue is the question of urban decay and the despair of the urban poor. It is not enough to wring our hands about either the verdict or the violence. We must forge ahead with new and effective solutions.

The liberals have given us counterproductive public assistance for decades. It is clear this approach has not worked. A system that would indict a welfare mother for setting aside money for her child's education is morally corrupt. The entrepreneurial spirit that made our Nation great is being undermined every day by a Federal Government more interested in pursuing a politically correct agenda than in helping men and women take control of their lives, be responsible for their actions and participate in the American dream.

Just as individuals have a responsibility to respect and honor the law, I believe all individuals must be afforded real opportunity—the freedom—to learn, to build a stake in society, and to prosper. Concern for human dignity compels us to enable the poor to improve their own lives and pass a better life on to their children and grandchildren.

The Government's obligation is both to protect the freedom and security of our people as well as to provide an economic environment in which individuals can flourish.

If we are to move forward positively from the Los Angeles experience, we must explicitly recognize this twin dimension of government's fundamental role—protector of security and promoter of opportunity.

The sense-of-the-Senate resolution I am offering today addresses how the Federal Government can foster individual initiative and economic independence. It responds to this third question of urban decay and the despair of the urban poor. It highlights the urgent cry of urban America and how the Federal Government ought to respond.

As an underlying and fundamental principle, Federal policies must provide more hope, economic growth, and opportunities to the poor throughout this Nation.

We must contribute to an environment in which job opportunities are created and sustained. Enterprise zone legislation has lingered in congressional committees for years without any real action. This is a travesty.

Home ownership and the accumulation of assets must be encouraged for every American, including the poor. In 1990, the Congress passed the National Affordable Housing Act which included a mere pittance for the HOPE proposal for which Department of Housing Secretary Kemp fought so forcefully. The HOPE Program merits full funding if we really want to give low-income families the ability to own their own homes.

We must open educational choice to all families, without regard to family income. Again, the Senate has found every reason not to open up real choice to disadvantaged children to attend the best schools, public or private. This is profound injustice.

America cannot be competitive without the participation of every segment of American society. Such Federal policies must have as a primary goal the creation of opportunities within which individuals may lift themselves from poverty and contribute to the stability of their families, their communities, and their Nation.

Achieving these goals of individual excellence and economic growth requires us to concentrate our attention on policy initiatives that truly focus on the people we are trying to help. The sense-of-the-Senate resolution calls for the adoption of the following policies:

First, the reform of social programs toward rewarding the working poor, rather than penalizing them, which would also lead to self-sufficiency;

Second, the creation of a tax code that provides incentives to the poor disadvantaged to work, save, and invest and to keep families together;

Third, the expansion of home ownership opportunities which would open the door for the poor to take pride in private property;

Fourth, the reduction of taxes on the working poor which would encourage savings and accumulation of assets, promoting self-sufficiency;

Fifth, the elimination of the capital gains tax for investments in inner cities which would bring jobs and general economic growth to distressed areas; and

Sixth, the creation of more educational choice for poor families which would give poor children the opportunity to break the barriers of poverty early in life, giving them their best hope for a bright future.

I have always believed it is fundamentally wrong to assume that poor people are unable to meet the challenges of individual economic success that lead to healthy and vital families and strong communities. Again, I urge my colleagues to carefully examine how these policies can bring true and lasting change to urban America. Only with such change can the American dream of economic and individual freedom be realized.●

AMENDMENTS SUBMITTED

TAX TREATMENT OF CONTRIBUTIONS IN AID OF CONSTRUCTION

REID AMENDMENT NO. 1798

(Ordered referred to the Committee on Finance.)

Mr. REID submitted an amendment intended to be proposed by him to the bill (S. 1398) to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from certain rules for determining contributions in aid of construction, as follows:

On page 1, line 5, strike "Section 118" and insert "(a) IN GENERAL.—Section 118".

On page 1, line 6, strike "is" and insert "(relating to contributions to the capital of a corporation) is".

On page 5, strike lines 22 through 25 and insert the following:

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after the date of the enactment of this Act.

SEC. 2. INFORMATION REPORTING WITH RESPECT TO CERTAIN SELLER-PROVIDED FINANCING.

(a) GENERAL RULE.—Section 6109 of such Code (relating to identifying numbers) is amended by adding at the end the following new subsection:

"(h) IDENTIFYING INFORMATION REQUIRED WITH RESPECT TO CERTAIN SELLER-PROVIDED FINANCING.—

"(1) PAYOR.—If any taxpayer claims a deduction under section 163 for qualified residence interest on any seller-provided financing, such taxpayer shall include on the return claiming such deduction the name, address, and TIN of the person to whom such interest is paid or accrued.

"(2) RECIPIENT.—If any person receives or accrues interest referred to in paragraph (1), such person shall include on the return for the taxable year in which such interest is so received or accrued the name, address, and TIN of the person liable for such interest.

"(3) FURNISHING OF INFORMATION BETWEEN PAYOR AND RECIPIENT.—If any person is required to include the TIN of another person on a return under paragraph (1) or (2), such other person shall furnish his TIN to such person.

"(4) SELLER-PROVIDED FINANCING.—For purposes of this subsection, the term 'seller-provided financing' means any indebtedness incurred in acquiring any residence if the person to whom such indebtedness is owed is the person from whom such residence was acquired.".

(b) PENALTY.—

(1) EXERCISE OF DUE DILIGENCE.—Section 6724(a) of such Code (relating to reasonable cause waiver) is amended to read as follows:

"(a) REASONABLE CAUSE WAIVER; SPECIAL RULE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no penalty shall be imposed under this part with respect to any failure if it is shown that such failure is due to reasonable cause and not to willful neglect.

"(2) SPECIAL RULE.—No penalty shall be imposed under subsection (d)(3)(E) with respect to any failure if it is shown that the taxpayer exercised due diligence in attempting to provide the information so required.".

(2) SPECIFIED INFORMATION REPORTING REQUIREMENT.—Paragraph (3) of section 6724(d) of such Code (relating to specified information reporting requirement) is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) any requirement under section 6109(h) that—

"(i) a person include on his return the name, address, and TIN of another person, or

"(ii) a person furnish his TIN to another person.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

Mr. REID. Mr. President, I rise today to offer an amendment to S. 1398, legislation that I introduced last year that would exclude from gross income of utility companies the contributions in aid of construction made by developers to the utility. These contributions, known as CIAC, were previously excluded from gross income by section 118(b) of the Internal Revenue Code which was deleted by the Tax Reform Act of 1986.

During the Senate's consideration of H.R. 4210 earlier this year I offered provisions of S. 1398 as an amendment to the tax bill. My amendment was agreed to; however, it was agreed to with an offset for the revenue loss that the passage of S. 1398 would create. The original legislation, as introduced, did not include the offset for various reasons. However, knowing the budget agreement of 1990 will not allow the passage of legislation that reduces revenues or increases expenditures of the Federal Government without corresponding offsets, I was diligent in finding an offset that would not increase taxes.

The offset included in the amendment dealt with the way seller-financed real estate transactions are reported to the IRS. It requires buyers and sellers using seller-financed mortgages to report each other's Social Security numbers on their respective returns along with the amount paid or received. The IRS has estimated that on 11 percent of seller-financed mortgages interest was not correctly reported.

While the provisions of my amendment that excluded CIAC from gross income were not included in the final version of H.R. 4210 that was sent to the President, I would like to formally introduce this offset as an amendment to my original bill. Passage of this legislation will reduce the price of new homes by as much as $2,000, and, with the addition of this amendment, will reduce that cost without placing undue burdens on the Federal deficit.

MOTOR-VOTER REGISTRATION ACT

KASTEN (AND OTHERS) AMENDMENT NO. 1799

Mr. KASTEN (for himself, Mr. DANFORTH, Mr. MCCONNELL, and Mr. BURNS) proposed an amendment to the bill (S. 250) to establish national voter registration procedures for Federal elections, and for other purposes, as follows:

At the end of the committee amendment, add the following:

TITLE II—PRODUCT LIABILITY FAIRNESS

Subtitle A

SECTION 201. SHORT TITLE.

This title may be cited as the "Product Liability Fairness Act".

SEC. 202. DEFINITIONS.

As used in this title, the term—

(1) "claimant" means any person who brings a civil action pursuant to this title, and any person on whose behalf such an action is brought; if such an action is brought through or on behalf of an estate, the term includes the claimant's decedent, or if it is brought through or on behalf of a minor or incompetent, the term includes the claimant's parent or guardian;

(2) "clear and convincing evidence" is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established; the level of proof required to satisfy such standard is more than that required under preponderance of the evidence, but less than that required for proof beyond a reasonable doubt;

(3) "collateral benefits" means all benefits and advantages received or entitled to be received (regardless of any right any other person has or is entitled to assert for recoupment through subrogation, trust agreement, lien, or otherwise) by any claimant harmed by a product or by any other person as reimbursement of loss because of harm to person or property payable or required to be paid to the claimant, under—

(A) "any Federal law or the laws of any State (other than through a claim for breach of an obligation or duty); or

(B) "any life, health, or accident insurance or plan, wage or salary continuation plan, or disability income or replacement service insurance, or any benefit received or to be received as a result of participation in any prepaid medical plan or health maintenance organization;

(4) "commerce" means trade, traffic, commerce, or transportation (A) between a place

in a State and any place outside of that State; or (B) which affects trade, traffic, commerce, or transportation described in clause (A);

(5) "commercial loss" means economic injury, whether direct, incidental, or consequential, including property damage and damage to the product itself;

(6) "economic loss" means any pecuniary loss resulting from harm which is allowed under State law;

(7) "exercise of reasonable care" means conduct of a person of ordinary prudence and intelligence using the attention, precaution, and judgment that society expects of its members for the protection of their own interests and the interests of others;

(8) "harm" means any harm recognized under the law of the State in which the civil action is maintained, other than loss or damage caused to a product itself, or commercial loss;

(9) "manufacturer" means (A) any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product) and who designs or formulates the product (or component part of the product) or has engaged another person to design or formulate the product (or component part of the product); (B) a product seller with respect to all aspects of a product (or component part of a product) which are created or affected when, before placing the product in the stream of commerce, the product seller produces, creates, makes, or constructs and designs or formulates, or has engaged another person to design or formulate, an aspect of a product (or component part of a product) made by another; or (C) any product seller not described in clause (B) which holds itself out as a manufacturer to the user of a product;

(10) "noneconomic loss" means loss caused by a product other than economic loss or commercial loss;

(11) "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity);

(12) "preponderance of the evidence" is that measure or degree of proof which, by the weight, credit, and value of the aggregate evidence on either side, establishes that it is more probable than not that a fact occurred or did not occur;

(13) "product" means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state (A) which is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient; (B) which is produced for introduction into trade or commerce; (C) which has intrinsic economic value; and (D) which is intended for sale or lease to persons for commercial or personal use; the term does not include human tissue, blood and blood products, or organs unless specifically recognized as a product pursuant to State law;

(14) "product seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce, or who installs, repairs, or maintains the harm-causing aspect of a product; the term does not include—

(A) a seller or lessor of real property;

(B) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(C) any person who—

(i) acts in only a financial capacity with respect to the sale of a product; and

(ii) leases a product under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor; and

(15) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 203. PREEMPTION.

(a) This title governs any civil action brought against a manufacturer or product seller, or any theory, for harm caused by a product. A civil action brought against a manufacturer or product seller for loss or damage to a product itself or for commercial loss is not subject to this title and shall be governed by applicable commercial or contract law.

(b) This title supersedes any State law regarding recovery for harm caused by a product only to the extent that this title establishes a rule of law applicable to any such recovery. Any issue arising under this title that is not governed by any such rule of law shall be governed by applicable State or Federal law.

(c) Nothing in this title shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) supersede any Federal law, except the Federal Employees Compensation Act and the Longshoremen's and Harbor Workers' Compensation Act;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede any statutory or common law, including an action to abate a nuisance, that authorizes a State or person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief resulting from contamination or pollution of the environment, or the threat of such contamination or pollution.

(d) As used in this section, "environment" has the meaning given to such term in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8)).

(e) This title shall be construed and applied after consideration of its legislative history to promote uniformity of law in the various jurisdictions.

SEC. 204. JURISDICTION OF FEDERAL COURTS.

The district courts of the United States shall not have jurisdiction over any civil action pursuant to this title, based on section 1331 or 1337 of title 28, United States Code.

SEC. 205. EFFECTIVE DATE.

(a) This title shall take effect on the date of its enactment and shall apply to all civil actions pursuant to this title commenced on or after such date, including any action in which the harm or the conduct which caused the harm occurred before the effective date of this title.

(b) If any provision of this title would shorten the period during which a manufacturer or product seller would otherwise be exposed to liability, the claimant may, notwithstanding the otherwise applicable time period, bring any civil action pursuant to this title within one year after the effective date of this title.

SUBTITLE B

SEC. 221. EXPEDITED PRODUCT LIABILITY SETTLEMENTS.

(a) Any claimant may bring a civil action for damages against a person for harm caused by a product pursuant to applicable State law, except to the extent such law is superseded by this subtitle.

(b) Any claimant may, in addition to any claim for relief made in accordance with State law, include in such claimant's complaint an offer of settlement for a specific dollar amount.

(c) The defendant may make an offer of settlement for a specific dollar amount within sixty days after service of the claimant's complaint or within the time permitted pursuant to State law for a responsive pleading, whichever is longer, except that if such pleading includes a motion to dismiss in accordance with applicable law, the defendant may tender such relief to the claimant within ten days after the court's determination regarding such motion.

(d) In any case in which an offer of settlement is made pursuant to subsection (b) or (c) of this section, the court may, upon motion made prior to the expiration of the applicable period for response, enter an order extending such period. Any such order shall contain a schedule for discovery of evidence material to the issue of the appropriate amount of relief, and shall not extend such period for more than sixty days. Any such motion shall be accompanied by a supporting affidavit of the moving party setting forth the reasons why such extension is necessary to promote the interests of justice and stating that the information likely to be discovered is material, and is not, after reasonable inquiry, otherwise available to the moving party.

(e) If the defendant, as offeree, does not accept the offer of settlement made by a claimant in accordance with subsection (b) of this section within the time permitted pursuant to State law for a responsive pleading or, if such pleading includes a motion to dismiss in accordance with applicable law, within thirty days after the court's determination regarding such motion, and a verdict is entered in such action equal to or greater than the specified dollar amount of such offer of settlement, the court shall enter judgment against the defendant and shall include in such judgment an amount for the claimant's reasonable attorney's fees and costs. Such fees shall be offset against any fees owed by the claimant to the claimant's attorney by reason of the verdict.

(f) If the claimant, as offeree, does not accept the offer of settlement made by a defendant in accordance with subsection (c) of this section within thirty days after the date on which such offer is made and a verdict is entered in such action equal to or less than the specific dollar amount of such offer of settlement, the court shall reduce the amount of the verdict in such action by an amount equal to the reasonable attorney's fees and costs owed by the defendant to the defendant's attorney by reason of the verdict, except that the amount of such reduction shall not exceed that portion of the ver-

dict which is allowable to noneconomic loss and economic loss for which the claimant has received or will receive collateral benefits.

(g) For purposes of this section, attorney's fees shall be calculated on the basis of an hourly rate which should not exceed that which is considered acceptable in the community in which the attorney practices, considering the attorney's qualifications and experience and the complexity of the case.

SEC. 222. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

(A) In lieu of or in addition to making an offer of settlement under section 221 of this title, a claimant or defendant may, within the time permitted for the making of such an offer under section 221 of this title, offer to proceed pursuant to any voluntary alternative dispute resolution procedure established or recognized under the law of the State in which the civil action for damages for harm caused by a product is brought or under the rules of the court in which such action is maintained.

(b) If the offeree refuses to proceed pursuant to such alternative dispute resolution procedure and the court determines that such refusal was unreasonable or not in good faith, the court shall assess reasonable attorney's fees and costs against the offeree.

(c) For the purposes of this section, there shall be created a rebuttable presumption that a refusal by an offeree to proceed pursuant to such alternative dispute resolution procedure was unreasonable or not in good faith, if a verdict is rendered in favor of the offeror.

SUBTITLE C

SEC. 231. CIVIL ACTIONS

A person seeking to recover for harm caused by a product may bring a civil action against the product's manufacturer or product seller pursuant to applicable State or Federal law, except to the extent such law is superseded by this title.

SEC. 232. UNIFORM STANDARDS OF PRODUCT SELLER LIABILITY.

(a) Notwithstanding the provisions of section 231 of this title, in any civil action for harm caused by a product, a product seller other than a manufacturer is liable to a claimant, only if the claimant establishes by a preponderance of the evidence that—

(1)(A) the individual product unit which allegedly caused the harm complained of was sold by the defendant; (B) the product seller failed to exercise reasonable care with respect to the product; and (C) such failure to exercise reasonable care was a proximate case of the claimant's harm; or

(2)(A) the product seller made an express warranty, independent of any express warranty made by a manufacturer as to the same product; (B) the product failed to conform to the warranty; and (C) the failure of the product to conform to the warranty caused the claimant's harm.

(b)(1) In determining whether a product seller is subject to liability under subsection (a)(1) of this section, the trier of fact may consider the effect of the conduct of the product seller with respect to the construction, inspection, or condition of the product, and any failure of the product seller to pass on adequate warnings or instructions from the product's manufacturer about the dangers and proper use of the product.

(2) A product seller shall not be liable in a civil action subject to this subtitle based upon an alleged failure to provide warnings or instructions unless the claimant establishes that, when the product left the possession and control of the product seller, the product seller failed—

(A) to provide to the person to whom the product seller relinquished possession and control of the product any pamphlets, booklets, labels, inserts, or other written warnings or instructions received while the product was in the product seller's possession and control; or

(B) to make reasonable efforts to provide users with those warnings and instructions which it received after the product left its possession and control.

(3) A product seller shall not be liable in a civil action subject to this subtitle except for breach of express warranty where there was no reasonable opportunity to inspect the product in a manner which would or should, in the exercise of reasonable care, have revealed the aspect of the product which allegedly caused the claimant's harm.

(c) A product seller shall be treated as the manufacturer of a product and shall be liable for harm to the claimant caused by a product as if it were the manufacturer of the product if—

(1) the manufacturer is not subject to service of process under the laws of any State in which the action might have been brought; or

(2) the court determines that the claimant would be unable to enforce a judgment against the manufacturer.

SEC. 233. UNIFORM STANDARDS FOR AWARD OF PUNITIVE DAMAGES.

(a) Punitive damages may, if otherwise permitted by applicable law, be awarded in any civil action subject to this subtitle to any claimant who establishes by clear and convincing evidence that the harm suffered was the result of conduct manifesting a manufacturer's or product seller's conscious, flagrant indifference to the safety of those persons who might be harmed by a product. A failure to exercise reasonable care in choosing among alternative product designs, formulations, instructions, or warnings is not of itself such conduct. Except as provided in subsection (b) of this section, punitive damages may not be awarded in the absence of a compensatory award.

(b) In any civil action in which the alleged harm to the claimant is death and the applicable State law provides, or has been construed to provide, for damages only punitive in nature, a defendant may be liable for any such damages regardless of whether a claim is asserted under this section. The recovery of any such damages shall not bar a claim under this section.

(c)(1) Punitive damages shall not be awarded pursuant to this section against a manufacturer or product seller of a drug (as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))) or medical device (as defined under section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))) which caused the claimant's harm where—

(A) such drug or device was subject to premarket approval by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such drug or device which caused the claimant's harm or the adequacy of the packaging or labeling of such drug or device, and such drug was approved by the Food and Drug Administration; or

(B) the drug is generally recognized as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable regulations, including packaging and labeling regulations.

The provisions of this paragraph shall not apply (i) in any case in which the defendant withheld from or misrepresented to the Food and Drug Administration or any other agency or official of the Federal Government information that is material and relevant to the performance of such drug or device, or (ii) in any case in which the defendant made an illegal payment to an official of the Food and Drug Administration for the purpose of securing approval of such drug or device.

(2) Punitive damages shall not be awarded pursuant to this section against a manufacturer of an aircraft which caused the claimant's harm where—

(A) such aircraft was subject to pre-market certification by the Federal Aviation Administration with respect to the safety of the design or performance of the aspect of such aircraft which caused the claimant's harm or the adequacy of the warnings regarding the operation or maintenance of such aircraft;

(B) the aircraft was certified by the Federal Aviation Administration under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.); and

(C) the manufacturer of the aircraft complied, after delivery of the aircraft to a user, with Federal Aviation Administration requirements and obligations with respect to continuing airworthiness, including the requirement to provide maintenance and service information related to airworthiness whether or not such information is used by the Federal Aviation Administration in the preparation of mandatory maintenance, inspection, or repair directives.

The provisions of this paragraph shall not apply in any case in which the defendant withheld from or misrepresented to the Federal Aviation Administration information that is material and relevant to the performance or the maintenance or operation of such aircraft.

(d) At the request of the manufacturer or product seller, the trier of fact shall consider in a separate proceeding (1) whether punitive damages are to be awarded and the amount of such award, or (2) the amount of punitive damages following a determination of punitive liability. If a separate proceeding is requested, evidence relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(e) In determining the amount of punitive damages, the trier of fact shall consider all relevant evidence, including—

(1) the financial condition of the manufacturer or product seller;

(2) the severity of the harm caused by the conduct of the manufacturer or product seller;

(3) the duration of the conduct or any concealment of it by the manufacturer or product seller;

(4) the profitability of the conduct to the manufacturer or product seller;

(5) the number of products sold by the manufacturer or product seller of the kind causing the harm complained of by the claimant;

(6) awards of punitive or exemplary damages to persons similarly situated to the claimant;

(7) prospective awards of compensatory damages to persons similarly situated to the claimant;

(8) any criminal penalties imposed on the manufacturer or product seller as a result of the conduct complained of by the claimant; and

(9) the amount of any civil fines assessed against the defendant as a result of the conduct complained of by the claimant.

SEC. 234. UNIFORM TIME LIMITATIONS ON LIABILITY.

(a) Any civil action subject to this subtitle shall be barred unless the complaint is filed

within two years of the time the claimant discovered or, in the exercise of reasonable care, should have discovered the harm and its cause, except that any such action of a person under legal disability may be filed within two years after the disability ceases. If the commencement of such an action is stayed or enjoined, the running of the statute of limitations under this section shall be suspended for the period of the stay or injunction.

(b)(1) Any civil action subject to this subtitle shall be barred if a product which is a capital good is alleged to have caused harm which is not a toxic harm unless the complaint is served and filed within twenty-five years after the time of delivery of the product. This subsection shall apply only if the court determines that the claimant has received or would be eligible to receive compensation under any State or Federal workers' compensation law for harm caused by the product.

(2) A motor vehicle, vessel, aircraft, or railroad used primarily to transport passengers for hire shall not be subject to the provisions of this subsection.

(3) As used in this section, the term—

(A) "time of delivery" means the time when a product is delivered to its first purchaser or lessee who was not involved in the business of manufacturing or selling such product or using it as a component part of another product to be sold;

(B) "capital good" means any product, or any component of any such product, which is of a character subject to allowance for depreciation under the Internal Revenue Code of 1986, and which was—

(i) used in a trade or business;

(ii) held for the production of income; or

(iii) sold or donated to a governmental or private entity for the production of goods, for training, for demonstration, or for other similar purposes; and

(C) "toxic harm" means harm which is functional impairment, illness, or death of a human being resulting from exposure to an object, substance, mixture, raw material, or physical agent of particular chemical composition.

(c) Nothing in this section shall affect the right of any person who is subject to liability for harm under this title to seek and obtain contribution or indemnity from any other person who is responsible for such harm.

SEC. 235. WORKERS' COMPENSATION SUBROGATION STANDARDS.

(a)(1) An employer or worker's compensation insurer of an employer shall have a right of subrogation against a manufacturer or product seller to recover the sum of the amount paid as workers' compensation benefits and the present value of all workers' compensation benefits to which the employee is or would be entitled for harm caused to an employee by a product if the harm is one for which a civil action has been brought pursuant to this title. To assert a right of subrogation an employer or workers' compensation insurer of an employer shall provide written notice that it is asserting a right of subrogation to the court in which the claimant has filed a complaint. The employer or workers' compensation insurer of the employer shall not be required to be a necessary and proper party to the proceeding instituted by the employee.

(2) In any proceeding against or settlement with the manufacturer or product seller, the employer or the workers' compensation insurer of the employer shall have an opportunity to participate and to assert a right of subrogation upon any payment made by the manufacturer or product seller by reason of such harm, whether paid in settlement, in satisfaction of judgment, as consideration for covenant not to sue, or otherwise. Neither the employee nor the employer shall make any settlement with or accept any payment from the manufacturer or product seller without the written consent of the other and no release to or agreement with the manufacturer or product seller shall be valid or enforceable for any purpose unless both employer and employee join therein. However, the preceding sentence shall not apply if the employer or workers' compensation insurer of the employer is made whole for all benefits paid in workers' compensation benefits.

(3) If the manufacturer or product seller attempts to persuade the trier of fact that the claimant's harm was caused by the fault of the claimant's employer or coemployees, then the issue whether the claimant's harm was caused by the claimant's employer or coemployees shall be submitted to the trier of fact. If the manufacturer or product seller so attempts to persuade the trier of fact it shall provide notice to the employer. The employer shall have the right to appear, to be represented, to introduce evidence, to cross-examine adverse witnesses, and to argue to the trier of fact as to this issue as fully as though it were a party although not named or joined as a party to the proceeding. Such issue shall be the last issue submitted to the trier of fact. If the trier of fact finds by clear and convincing evidence that the claimant's harm was caused by the fault of the claimant's employer or coemployees then the court shall reduce the damages awarded by the trier of fact against the manufacturer or product seller by the sum of the amount paid as workers' compensation benefits to which the employee is or would be entitled for such harm, and the manufacturer or product seller shall have no further right by way of contribution or otherwise against the employer.

(4) If the verdict shall be that the claimant's harm was not caused by the fault of the claimant's employer or coemployees, then the manufacturer or product seller shall reimburse the employer or workers' compensation insurer of the employer for reasonable attorneys' fees and court costs incurred in the resolution of the subrogation claim, as determined by the court.

(b)(1) In any civil action subject to this subtitle in which damages are sought for harm for which the person injured is or would have been entitled to receive compensation under any State or Federal workers' compensation law, no third party tortfeasor may maintain any action for implied indemnity or contribution against the employer, any coemployee, or the exclusive representative of the person who was injured.

(2) Nothing in this title shall be construed to affect any provision of a State or Federal workers' compensation law which prohibits a person who is or would have been entitled to receive compensation under any such law, or any other person whose claim is or would have been derivative from such a claim, from recovering for harm caused by a product in any action other than a workers' compensation claim against a present or former employer or workers' compensation insurer of the employer, any coemployee, or the exclusive representative of the person who was injured.

(3) Any action other than as provided in paragraph (2) shall be prohibited, except that nothing in this title shall be construed to affect any State or Federal workers' compensation law which permits recovery based on a claim of an intentional tort by the employer or coemployee, where the claimant's harm was caused by such an intentional tort.

(c) In any civil action subject to this subtitle in which damages are sought for harm for which the person injured is entitled to receive compensation under any State of Federal workers' compensation law, the action shall, on application of the claimant made at the claimant's sole discretion, be stayed until such time as the full amount payable as workers' compensation benefits has been finally determined under such workers' compensation law. The determination of workers' compensation benefits by the trier of fact in a civil action subject to this subtitle shall have no binding effect on and shall not be used as evidence in any other proceeding.

(d) A claimant in a civil action subject to this subtitle who is or may be eligible to receive compensation under any State or Federal workers' compensation law must provide written notice of the filing of the civil action to the claimant's employer within 30 days of the filing. The written notice shall include information regarding the date and court in which the civil action was filed, the names and addresses of all plaintiffs and defendants appearing on the complaint, the court docket number if available, and a copy of the complaint which was filed in the civil action.

SEC. 236. SEVERAL LIABILITY FOR NONECONOMIC DAMAGES

(a) In any product liability action, the liability of each defendant for noneconomic damages shall be several only and shall not be joint. Each defendant shall be liable only for the amount of noneconomic damages allocated to such defendant in direct proportion to such defendant's percentage of responsibility as determined under subsection (b) of this section. A separate judgment shall be rendered against such defendant for that amount.

(b) For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

(c) As used in this section, the term—

(1) "noneconomic damages" means subjective, nonmonetary losses including, but not limited to, pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation; the term does not include objectively verifiable monetary losses including, but not limited to, medical expenses, loss of earnings, burial costs, loss of use of property, costs of repair or replacement, costs of obtaining substitute domestic services, rehabilitation and training expenses, loss of employment, or loss of business or employment opportunities; and

(2) "product liability action" includes any action involving a claim, third-party claim, cross-claim, counterclaim, or contribution claim in a civil action in which a manufacturer or product seller is found liable for harm caused by a product.

SEC. 237. DEFENSES INVOLVING INTOXICATING ALCOHOL OR DRUGS.

(a) In any civil action subject to this title in which all defendants are manufacturers or product sellers, it shall be a complete defense to such action that he claimant was intoxicated or was under the influence of intoxicating alcohol or any drug and that as a result of such intoxication of the influence of the alcohol or drug the claimant was more than 50 percent responsible for the accident

or event which resulted in such claimant's harm.

(b) In any civil action subject to this title in which not all defendants are manufacturers or product sellers and the trier of fact determines that no liability exists against those defendants who are not manufacturers or product sellers, the court shall enter a judgment notwithstanding the verdict in favor of any defendant which is a manufacturer or product seller if it is proved that the claimant was intoxicated or was under the influence of intoxicating alcohol or any drug and that as a result of such intoxication or the influence of the alcohol or drug the claimant was more than 50 percent responsible for the accident or event which resulted in such claimant's harm.

(c)(1) For purposes of this section, the determination of whether a person was intoxicated or was under the influence of intoxicating alcohol or any drug shall be made pursuant to applicable State law.

(2) As used in this section, the term "drug" means any non-over-the-counter drug which has not been prescribed by a physician for use by the claimant.

TITLE III—GENERAL AVIATION ACCIDENT LIABILITY STANDARDS

SEC. 301. SHORT TITLE.

This title may be cited as the "General Aviation Accident Liability Standards Act of 1991".

SEC. 302. FINDINGS AND PURPOSE.

(a) The Congress finds that—

(1) transportation by air of passengers continues to comprise an increasingly important component of the Nation's overall transportation system;

(2) although the incidence of injuries to passengers in general aviation accidents has decreased, the number of general aviation accident liability claims against general aviation aircraft manufacturers and the amount of damages sought in such claims is increasing at disproportionate rates, beyond any relationship to the quality of the aircraft manufactured and in use;

(3) the current system for determining liability and damages for compensating individuals injured in general aviation accidents is inadequate;

(4) competent general aviation manufacturers and component part manufacturers are ceasing or limiting production of general aviation aircraft or some models of such aircraft because of the increasing costs and unavailability of product liability insurance;

(5) the increase in the number of liability claims and the size of awards and settlements, and the excessive time and expense devoted to the resolution of such claims, impose a substantial economic burden on general aviation manufacturers and their dealers;

(6) the Federal Government has an interest in the general aviation accident liability system because the Federal Government has established a comprehensive system for regulating general aviation, including—

(A) establishing standards for design, construction, and certification of general aviation aircraft,

(B) establishing standards for maintenance of aircraft, licensing of repair facilities, and licensing of persons who may perform or approve maintenance, repairs, and inspections,

(C) establishing standards for training and licensing of pilots,

(D) establishing a comprehensive air control system,

(E) conducting investigations to determine the probable cause of aviation accidents and prevent future accidents, and

(F) conducting other activities necessary to assure a safe air transportation system;

and this Federal system is the exclusive legal authority for regulating aviation operations and safety;

(7) it is in the national interest to reduce unnecessary expenditures related to general aviation accident liability claims while providing more rapid and more efficient compensation for individuals harmed in general aviation accidents; and

(8) Federal action to reform the general aviation accident liability system will result in—

(A) the maintenance of airworthy general aviation aircraft; and

(B) a more rational general aviation accident liability system.

(b) It is the purpose of this title to establish standards for determining liability for harm arising out of general aviation accidents.

SEC. 303. DEFINITIONS.

As used in this title, the term—

(1) "Administrator" means the Administrator of the Federal Aviation Administration;

(2) "claimant" means any person who brings a general aviation accident liability action subject to this Act, and any person on whose behalf such an action is brought, including—

(A) the claimant's decdent; and

(B) the claimant's parent or guardian, if the action is brought through or on behalf of a minor or incompetent;

(3) "general aviation accident" means any accident which arises out of the operation of any general aviation aircraft and which results in harm:

(4) "general aviation aircraft" means any powered aircraft for which a type certificate or an airworthiness certificate has been issued by the Administrator under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.) which, at the time such certificate was originally issued, had a maximum seating capacity of fewer than twenty passengers, and which is, not at the time of the accident, engaged in scheduled passenger carrying operations as defined in regulations issued under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.);

(5) "general aviation manufacturer" means—

(A) the builder or manufacturer of the airframe of a general aviation aircraft;

(B) the manufacturer of the engine of a general aviation aircraft; and

(C) the manufacturer of any system, component, subassembly, or other part of a general aviation aircraft;

(6) "harm" means—

(A) property damage or bodily injury sustained by a person;

(B) death resulting from such bodily injury;

(C) pain and suffering which is caused by such bodily injury; and

(D) emotional harm (including bereavement and loss of affection, care, or society) which is caused by such bodily injury;

(7) "product" means a general aviation aircraft and any system, component, subassembly, or other part of a general aviation aircraft; and

(8) "property damage" means physical injury to tangible property, including loss of use of tangible property.

SEC. 304. PREEMPTION; APPLICABILITY.

(a) This title supersedes any State law regarding recovery, under any legal theory, for harm arising out of a general aviation accident, to the extent that this Act establishes a rule of law or procedure applicable to the claim.

(b) Nothing in this title shall be construed to supersede or to waive or affect any defense of sovereign immunity asserted by the United States or any State.

(c) Nothing in this title shall be construed to affect the liability of a manufacturer, owner, or operator of any aircraft that is not a general aviation aircraft, or a person who repairs, maintains, or provides any other support for any aircraft that is not a general aviation aircraft, for damages for harm arising out of the operation of an aircraft that is not a general aviation aircraft.

(d) No right of action for harm exists under this title if that right would be inconsistent with the provisions of any applicable workers' compensation law.

(e) The provisions of this title shall apply only to—

(1) any manufacturer, owner, or operator of any general aviation aircraft, and any person who repairs, maintains, or provides any other support for such an aircraft;

(2) any occupant of a general aviation aircraft at the time of a general aviation accident, and any person who brings an action for harm caused by such accident on behalf of such occupant; and

(3) any nonoccupant of a general aviation aircraft at the time of a general aviation accident, only if such nonoccupant is bringing an action for harm caused by such accident which arises out of the harm to an occupant of such aircraft at the time of such accident.

SEC. 305. UNIFORM STANDARDS OF LIABILITY FOR GENERAL AVIATION ACCIDENTS.

(a) Any person claiming damages for harm arising out of a general aviation accident may bring an action against a party and may recover damages from such party, if such party was negligent and such negligence is a proximate cause of the claimant's harm.

(b)(1) Any person claiming damages for harm arising out of a general aviation accident may bring an action against a general aviation manufacturer of a product and may recover damages from such general aviation manufacturer if—

(A) the product, when it left the control of the manufacturer, was in a defective condition unreasonably dangerous for its intended purpose, according to engineering and manufacturing practices which were reasonably feasible;

(B) the defective condition is a proximate cause of the claimant's harm; and

(C) the general aviation aircraft was being used at the time of the accident for a purpose and in a manner for which it was designed and manufactured.

(2) Any person claiming damages for harm arising out of a general aviation accident may bring an action against a general aviation manufacturer of a product and may recover damages from such general aviation manufacturer if—

(A) at the time the product left the control of the manufacturer, the manufacturer—

(i) knew, or in the exercise of reasonable care should have known, about a danger connected with the product that caused the claimant's harm; and

(ii) failed to provide the warnings or instructions that a person exercising reasonable care would have provided with respect to the danger which caused the harm alleged by the claimant, unless such warnings or instructions, if provided, would not have materially affected the conduct of the user of the product; or

(B) after the product left the control of the general aviation manufacturer, the manufacturer—

(i) knew, or in the exercise of reasonable care should have known, about the danger which caused the claimant's harm; and

(ii) failed to take reasonable steps to provide warnings or instructions, after the manufacture of the product, which would have been provided by a person exercising reasonable care, unless such warnings or instructions, if provided, would not have materially affected the conduct of the product user; and the failure to provide warnings or instructions described in subparagraph (A) or (B) of this paragraph is a proximate cause of the claimant's harm.

(3) Any person claiming damages for harm arising out of general aviation accident may bring an action against a general aviation manufacturer of a product and may recover damages from such general aviation manufacturer if—

(A) the manufacturer made an express warranty with respect to the product;

(B) such warranty relates to that aspect of the product which caused the harm;

(C) the product failed to conform to such warranty; and

(D) the failure of the product to conform to such warranty is a proximate cause of the claimant's harm.

(c)(1) In an action governed by subsection (b) of this section, a general aviation manufacturer shall not be liable if such manufacturer proves, by a preponderance of the evidence, that—

(A) the defective condition could have been corrected by compliance with action described in an airworthiness directive issued by the Administrator; and

(B) such directive was issued by a reasonable time before the date of the accident and after the product left the control of the general aviation manufacturer.

(2) In any action governed by subsection (b) of this section, evidence of compliance with standards, conditions or specifications established, adopted or approved by the Federal Aviation Administration shall be admissible with regard to whether the product was defective and unreasonably dangerous for its intended purpose.

SEC. 306. COMPARATIVE RESPONSIBILITY.

(a) All actions for harm arising out of a general aviation accident shall be governed by the principles of comparative responsibility. Comparative responsibility attributed to the claimant's conduct shall not bar recovery in an action under this title, but shall reduce any damages awarded to the claimant in an amount proportionate to the responsibility of the claimant. The trier of fact shall determine comparative responsibility by making findings indicating the percentage of total responsibility for the claimant's harm attributable to the claimant, each defendant, each third-party defendant, and any other person not a party to the action.

(b) Except as provided in subsection (c) of this section, a defendant is severally but not jointly liable in any action for harm arising out of a general aviation accident, and the liability of any defendant in any such action shall be determined on the basis of such defendant's proportionate share of responsibility for the claimant's harm.

(c) In any action for harm arising out of a general aviation accident—

(1) a general aviation manufacturer who is the builder or manufacturer of the airframe of the general aviation aircraft involved is jointly and severally liable for harm caused by a defective system, component, subassembly, or other part of such aircraft that the manufacturer installed or certified as part of the original type design for such aircraft; and

(2) a general aviation manufacturer who is the manufacturer of a system or component of the general aviation aircraft involved is jointly and severally liable for damages caused by a defective subassembly or other part of such system or component.

(d) A general aviation manufacturer and any other person jointly liable under subsection (c) of this section shall have the right to bring an action for indemnity or contribution against any person with whom they are jointly liable under subsection (c) of this section.

SEC. 307. TIME LIMITATION OF LIABILITY.

(a) Except as provided in subsection (b) of this section, no civil action for harm arising out of a general aviation accident which is brought against a general aviation manufacturer may be brought for harm which is alleged to have been caused by an aircraft or a system, component, subassembly, or other part of an aircraft and which occurs more than—

(1) twenty years from—

(A) the date of delivery of the aircraft to its first purchaser or lessee, if delivered directly from the manufacturer; or

(B) the date of first delivery of the aircraft to a person engaged in the business of selling or leasing such an aircraft; or

(2) with respect to any system, component, subassembly, or other part which replaced another product in, or which was added to, the aircraft, and which is alleged to have caused the claimant's harm, twenty years from the date of the replacement or addition.

(b) Subsection (a) of this section does not apply in the case of harm to a claimant which occurs after the period set forth in subsection (a) of this section if the general aviation manufacturer or the seller of the product that caused the claimant's harm gave an express warranty that the product would be suitable, for the purpose for which it was intended, for a longer period of time.

(c) Nothing in this section shall be construed to affect a person's duty to provide, after the sale or lease of an aircraft, to aircraft owners, and to repair facilities to which a license or certificate to perform repairs has been issued by the Administrator, additional or modified warnings or instructions regarding the use or maintenance of such aircraft or any system, component, or other part of such aircraft.

SEC. 308. SUBSEQUENT REMEDIAL MEASURES.

In any general aviation accident liability action governed by this title, evidence of any measure taken after an event which, if taken previously, would have made the event less likely to occur is not admissible to provide liability. Such evidence is admissible to the extent permitted under rule 407 of the Federal Rules of Evidence.

SEC. 309. ADMISSIBILITY OF CERTAIN EVIDENCE.

In an action governed by this title, evidence of Federal, State, or local income tax liability or any Social Security or other payroll tax liability attributable to past or future earnings, support, or profits and the present value of future earnings, support, or profits alleged to have been lost or diminished because of harm arising out of a general aviation accident is admissible regarding proof of the claimant's harm.

SEC. 310. PUNITIVE DAMAGES.

(a) Punitive damages may be awarded in an action under this title for harm arising out of a general aviation accident only if the claimant establishes by clear and convincing evidence that the harm suffered was the direct result of conduct manifesting a conscious, flagrant indifference to the safety of those persons who might be harmed by use of the general aviation aircraft involved.

(b) Evidence regarding the financial worth of a defendant or the defendant's profits or any other evidence relating solely to a claim for punitive damages under this Act is not admissible unless the claimant establishes, before any such evidence is offered, that the claimant can present evidence that will establish prima facie proof of conduct manifesting a conscious, flagrant indifference to the safety of those persons who might be harmed by use of the general aviation aircraft involved.

SEC. 311. TIME LIMITATION ON BRINGING ACTIONS.

Any action for harm arising out of a general aviation accident shall be barred, notwithstanding any State law, unless—

(1) the complaint is filed within two years after the date on which the accident occurred which caused the claimant's harm; and

(2) the summons and complaint are properly served upon the defendant within one hundred and twenty days after the filing of such complaint, unless the party on whose behalf such service is required can show good cause why such service was not made within such one-hundred-and-twenty-day period.

Paragraph (2) of this subsection shall not apply to service of process in a foreign country pursuant to rule 4(i) of the Federal Rules of Civil Procedure or any similar State law.

SEC. 312. SANCTIONS.

It is the intent of Congress that, with respect to any action governed by this title, the sanctions for violation of rule 11 of the Federal Rules of Civil Procedure, including orders to pay to the other party or parties the amount of their reasonable expenses, including a reasonable attorney's fee, be strictly enforced.

SEC. 313. JURISDICTION.

(a) The district courts of the United States, concurrently with the State courts, shall have original jurisdiction, in all civil actions where the matter in controversy exceeds the sum or value of $50,000, exclusive of interest and costs, for harm arising out of a general aviation accident and in all actions for indemnity or contribution described in section 306(d) of this title.

(b) A civil action which is brought in a State court, and may be removed to the district court of the United States for the district embracing the place where the action is pending, without the consent of any other party, by any defendant against whom a claim in such action is asserted for harm arising out of a general aviation accident.

(c) In any case commenced in or removed to a district court of the United States under section (a) or (b) of this section, the court shall have jurisdiction to determine all claims under State law that arise out of the same general aviation accident, if a substantial question of fact is common to the claims under State law and to the Federal claim, defense or counterclaim.

(d)(1) A civil action in which the district courts of the United States have jurisdiction under subsection (a) of this section may be brought only in a district in which—

(A) the accident giving rise to the claim occurred; or

(B) any plaintiff or defendant resides.

(2) In an action pending in a district court of the United States under paragraph (a) of this subsection, a district court may, on motion of any party or its own motion, transfer the action of any other district for the convenience of parties and witnesses in the interest of justice

(3) For purposes of this subsection, a corporation shall be considered to be a resident of any State in which it is incorporated or licensed to do business or is doing business.

SEC. 314. SEVERABILITY.

If any provision of this title or the application of the provision to any person or circumstance is held invalid, the remainder of this title and the application of the provision to any other person or circumstance shall not be affected by such invalidation.

SEC. 315. EFFECTIVE DATE.

(a) This title shall apply to any civil action for harm arising out of a general aviation accident which is filed on or after the date of enactment of this title.

(b) If an action governed by this title is filed within one hundred and eighty days after the date of enactment of this title, liberal leave shall be given to a party to amend any pleading, motion, statement of jurisdiction or venue, or other matter to conform to the provisions of this title.

FARM CREDIT SYSTEM FINANCIAL SAFETY AND SOUNDNESS ACT

LEAHY AMENDMENT NO. 1800

Mr. FORD (for Mr. LEAHY) proposed an amendment to the bill (S. 1709) to amend the Farm Credit Act of 1971 to enhance the financial safety and soundness of the Farm Credit System, and for other purposes, as follows:

On page 2, strike the items relating to titles III, IV, and V and insert the following:

TITLE III—REPAYMENT OF FARM CREDIT SYSTEM DEBT OBLIGATIONS

Sec. 301. Capital preservation.
Sec. 302. Unallocated surplus accounts for preferred stock.
Sec. 303. System-wide repayment obligation.
Sec. 304. Repayment of Treasury-paid interest.
Sec. 305. Clarification of obligation.
Sec. 306. Defaults.
Sec. 307. Authority of Financial Assistance Corporation.
Sec. 308. Conforming amendments.

TITLE IV—MISCELLANEOUS

Sec. 401. Valuation reserves for production credit associations.
Sec. 402. Risk management participation authority.
Sec. 403. Technical amendment.
Sec. 404. Installation, expansion, or improvement of water and waste disposal facilities.
Sec. 405. Eligibility to borrow from a bank for cooperatives.
Sec. 406. Non-voting representative on board of Funding Corporation.
Sec. 407. Sectional representation on System boards of directors.
Sec. 408. Compensation of bank directors.
Sec. 409. Powers of Farm Credit Administration.

On page 11, line 14, strike "Subsection (a) of section" and insert "Section".

Beginning on page 22, strike line 1 and all that follows through page 43, line 23.

On page 44, line 1, strike "IV" and insert "III".

On page 44, line 4, strike "401" and insert "301".

On page 47, line 6, strike "1991" and insert "1992".

On page 49, line 6, strike "402" and insert "302".

On page 52, line 9, strike "403" and insert "303".

On page 52, line 11, strike "402(a)(1)" and insert "302(a)(1)".

On page 57, line 4, strike "404" and insert "304".

On page 62, line 16, strike "405" and insert "305".

On page 64, line 17, strike "406" and insert "306".

On page 67, line 22, strike "407" and insert "307".

On page 68, line 12, strike "408" and insert "308".

On page 68, line 17, strike "V" and insert "IV".

On page 68, line 18, strike "501" and insert "401".

On page 69, line 10, strike "502" and insert "402".

On page 71, line 14, strike "503" and insert "403".

On page 71, between lines 18 and 19, insert the following new sections:

SEC. 404. INSTALLATION, EXPANSION, OR IMPROVEMENT OF WATER AND WASTE DISPOSAL FACILITIES.

The first sentence of section 3.7(f) (12 U.S.C. 2128(f)) is amended to read as follows: "The banks for cooperatives may make and participate in loans and commitments and extend other technical and financial assistance to—

"(1) cooperatives formed specifically for the purpose of establishing or operating water or waste disposal facilities in rural areas; and

"(2) public and quasi-public agencies and bodies, and other public and private entities that, under authority of State or local law, establish or operate water or waste disposal facilities in rural areas.".

SEC. 405. ELIGIBILITY TO BORROW FROM A BANK FOR COOPERATIVES.

Section 3.8 (12 U.S.C. 2129) is amended by adding at the end the following new subparagraph:

"(E) Any creditworthy private entity that satisfies the requirements for a service cooperative under paragraphs (1), (2), and (4) of subsection (a) and subsidiaries of the entity, if the entity is organized to benefit agriculture in furtherance of the welfare of its farmer-members and is operated on a not-for-profit basis.".

SEC. 406. NON-VOTING REPRESENTATIVE ON BOARD OF FUNDING CORPORATION.

Paragraph (2) of section 4.9(d) (12 U.S.C. 2160(d)(2)) is amended to read as follows:

"(2) NON-VOTING REPRESENTATIVES.—

"(A) ASSISTANCE BOARD.—During the period in which the Assistance Board is in existence, the board of directors of the Assistance Board shall designate one of its directors to serve as a non-voting representative to the board of directors of the Corporation.

"(B) MEETINGS.—The person designated by the Assistance Board under subparagraph (A) may attend and participate in all deliberations of the board of directors of the Corporation.

"(C) TERMINATION OF ASSISTANCE BOARD.—After termination of the Assistance Board, neither the Assistance Board nor its successor, the Farm Credit System Insurance Corporation, shall have any representation on the board of directors of the Corporation.".

On page 71, line 19, strike "504" and insert "407".

On page 72, after line 25, add the following new sections:

SEC. 408. COMPENSATION OF BANK DIRECTORS.

Section 4.21 (12 U.S.C. 2209) is amended to read as follows:

"SEC. 4.21. COMPENSATION OF BANK DIRECTORS.

"The Farm Credit Administration shall monitor the compensation of members of the board of directors of a System bank received as compensation for serving as a director of the bank to ensure that the amount of the compensation does not adversely affect the safety and soundness of the bank.".

SEC. 409. POWERS OF FARM CREDIT ADMINISTRATION.

Subsection (b) of section 5.17 (12 U.S.C. 2252(b)) is amended to read as follows:

"(b) The Farm Credit Administration shall not have authority, either directly or indirectly—

"(1) to approve bylaws, or any amendments, modifications, or changes to bylaws, of System institutions; or

"(2) to approve the salary scale, compensation, or benefit or retirement plans for employees of System institutions.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 7, 1992, at 9:30 a.m. on the nomination of Carl W. Vogt of Maryland to be a member of the National Transportation Safety Board.

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

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 7, at 2 p.m. to hold a hearing on United States security issues in Africa.

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

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, May 7, 1992, at 9:30 a.m., in open session, to receive testimony on the Strategic Environmental Research and Development Program.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, May 7, 1992, at 10 a.m., for a hearing on health care reform for small employers.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, May 7, 1992, at 2 p.m. to hold a closed hearing on intelligence matters.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, May 7, 1992, at 2:15 p.m., for a hearing on health care reform for small employers.

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

SUBCOMMITTEE ON GOVERNMENT CONTRACTING AND PAPERWORK REDUCTION

Mr. FORD. Mr. President, I ask unanimous consent that the Small Business Subcommittee on Government Contracting and Paperwork Reduction be authorized to meet during the session of the Senate on Thursday, May 7, 1992, at 10 a.m. The subcommittee will hold a hearing to review the implementation of the Small Business Competitiveness Demonstration Program.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., May 7, 1992, to receive testimony from Linda Stuntz, nominee to be the Deputy Secretary of Energy, Department of Energy.

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

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 7, 1992, at 9:30 a.m., to hold a hearing on comprehensive reform of health care costs.

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

SUBCOMMITTEE ON CONSUMER

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Consumer, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 7, 1992, at 10 a.m. on S. 1690 and S. 1698, U.S. Fire Administration reauthorization.

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

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, May 7, 1992 at 10 a.m.

Agenda:

I. NOMINATIONS

U.S. Circuit Judges

Edward E. Carnes, to be U.S. circuit judge for the Eleventh Circuit.

U.S. District Judges

Robert E. Payne, to be U.S. district judge for the Eastern District of Virginia.

Richard H. Kyle, to be U.S. district judge for the District of Minnesota.

Lee H. Rosenthal, to be U.S. district judge for the Southern District of Texas.

Joe Kendall, to be U.S. district judge for the Northern District of Texas.

Department of Justice

John P. Walters, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy.

II. BILLS

S. 1521—A bill to provide a cause of action for victims of sexual abuse, rape, and murder, against producers and distributors of hard-core pornographic material—McConnell.

S. 1941—A bill to amend the Immigration and Nationality Act for the purpose of reforming procedures for the resettlement of refugees of the United States—Kennedy.

S. 1096—A bill to ensure the protection of motion picture copyrights, and for other purposes—Kohl.

S. 2236—A bill, with an amendment, to amend the Voting Rights Act of 1965 to modify and extend the bilingual voting provisions of the Act—Simon.

H.R. 2324—A bill to amend Title 28, United States Code, with respect to witness fees—Hughes.

H.R. 2549—A bill to make technical corrections to Chapter 5 of Title 5, United States Code—Frank.

H.R. 3237—A bill to extend the terms of office of members of the foreign claims settlement commission from 3 to 6 years—Frank.

H.R. 3379—A bill to amend Section 574 of Title 5, United States Code, relating to the authorities of the Administration Conference—Frank.

S. 1569—A bill, in the nature of a substitute with an amendment, to implement the recommendations of the Federal Courts Committee, and for other purposes—Heflin.

S. 1216—A bill, in the nature of a substitute, to provide for the adjustment of status of certain Chinese nations if conditions do not permit their safe return to China—Gorton.

S. 2099—A bill, in the nature of a substitute, to amend the Immigration and Nationality Act to designate special inquiry officers as immigration judges and to provide for the compensation of such judges—Kennedy.

S. 2087—A bill to prohibit certain use of the terms "Visiting Nurse Association", "Visiting Nurse Service", "VNA", and "VNS"—Simon.

S. 1697—A bill to amend Title IX of the Civil Rights Act of 1968 to increase the penalties for violating the fair housing provisions of the Act, and for other purposes—Specter.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 7, at 10 a.m. to hold a business meeting on pending items.

NOMINATIONS

(1) Mr. Roman Popadiuk, of New York, to be Ambassador to Ukraine.

(2) Mr. Sigmund A. Rogich, of Nevada, to be Ambassador to the Republic of Iceland.

(3) Foreign Service Officers' Appointments and Promotions lists: Ms. Anne H. Aarnes, *et al.*, dated April 28, 1992.

TREATIES

(1) Basel Convention on Hazardous Wastes:
Treaty Doc. 102-5

(2) Consular Conventions:
Treaty Doc. 101-12—Tunisia.
Treaty Doc. 101-13—Algeria.
Treaty Doc. 102-14—Mongolia.

(3) Extradition Treaties:
Treaty Doc. 100-6—Federal Republic of Germany.
Treaty Doc. 102-17—Bahamas.
Treaty Doc. 102-23—Australia.
Treaty Doc. 102-24—Spain.

(4) Treaties Relating to Mutual Legal Assistance in Criminal Matters (MLATS):
Treaty Doc. 102-16—Jamaica.
Treaty Doc. 102-18—Argentina.
Treaty Doc. 102-19—Uruguay.
Treaty Doc. 102-21—Spain.

LEGISLATION

(1) S. Con. Res. 107, Helms resolution condemning the involvement of the military regime in Burma in human rights abuses, drug trafficking and buildup of arms.

(2) S. 1731, McConnell-Simon, *et al.* bill setting forth U.S. policy toward Hong Kong post-1997.

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

ADDITIONAL STATEMENTS

PSYCHIATRIC TORTURE IN CUBA

• Mr. GRAHAM. Mr. President, I will consent to submit for the RECORD a Sunday, April 26, Miami Herald article documenting psychiatric torture in Cuba.

Herald reporters Pablo Alfonso, Mirta Ojito, and Alfonso Chardy have compiled a horrifying account of what passes for psychiatric treatment in Cuba. They conjure up a picture of the former Soviet gulags, Cuban style, where electric shock and other treatments are reserved for those who dare oppose the Castro regime.

For years many of us in the Senate have worked to keep the international spotlight on Castro's outrageous abuse of human rights. Those abuses continue to this day. In the last few weeks alone, eight dissidents have been arrested because of their support for the Cuban Democracy Act, which Congressman TORRICELLI and I have introduced.

This is the level to which Castro has sunk. Even the slightest criticism of his one-man rule results in retribution.

Mr. President, the abuses outlined in the Miami Herald are truly sickening. This is not pleasant reading. But unless we continue to confront squarely the cruel reality of Castro's rule, we will further postpone the day when a democratic government is elected by the Cuban people.

I ask that the article to which I earlier referred be printed in the RECORD.

The article follows:

[From the Miami Herald, Apr. 26, 1992]

HAVANA HOSPITAL NURSE EVOKES BRUTAL MEMORIES

(By Pablo Alfonso)

"He was the gang boss in the Castellanos and Carbo-Servia wards," is how Reemberto

Reyes remembers Heriberto Mederos. "He did great damage. It was he who gave the orders and tortured."

Reyes, 74, said he worked for 30 years as a helper at Havana's Psychiatric Hospital, where Mederos was assigned. He said he was also a neighbor of Mederos' for 40 years in the Havana neighborhood of Mazorra.

Like Reyes, others have come forth with painful memories of Mederos a week after his situation came to light. Their descriptions are full of words like "brutal" and "sadistic" and "torturer."

Mederos himself continues to insist his story is like that of any other Cuban psychiatric nurse.

To those who claim to know him, however, he is one of a kind.

Several former Cuban political prisoners have identified Mederos as the man who tortured them with electric shocks while they were at the hospital.

Last week, Mederos told The Herald he was not a torturer under orders of the Cuban state security. He insisted he was following doctors' orders in a professional manner.

Mederos, 69, is a widower who lives with a daughter in Hialeah. For four years he has been working as a nurse at Hialeah Convalescent Home. He has lived here since 1984.

"RIGHT THERE ON THE FLOOR"

Reyes recalled that in 1973 he was assigned to deliver meals to the Castellanos ward. For three months, he said, he witnessed how Mederos abused the detained.

"Once I was standing by a door with him," Reyes said. "A patient came by and tried to look through the door, but Mederos grabbed him, threw him to the floor, sent for some cables and right there on the floor gave him an electric shock."

Mederos rejected Reyes' charges and denied even knowing the man or his family. The truth, he said, is in the files of each patient.

"My story is like that of any other nurse at that hospital," he said. "The difference is that I worked in the prisoners' ward."

Mederos insisted he had no say in security decisions. "That was entirely up to state security," he said. "They trusted me as a professional, but that's all."

A PATIENT IN 1973

Reyes said two of his sons also worked at the hospital and knew Mederos. One of them, Jorge, got to know him better: He was one of his patients in 1973. At the time, Jorge was 19.

According to Reyes, Jorge and several others were accused of acts of sabotage. Police ordered Jorge to the Castellanos ward for evaluation.

"The doctors never saw him," said Jorge's older brother, Reemberto. "Mederos gave him 22 electroshocks and a cloropromacine treatment which never appeared in [Jorge's] file."

"Supposedly Jorge was sick, but eventually he was sentenced to six years in jail," his brother said.

He added that he believed Mederos enjoyed giving electric shocks. "The wards he supervised were waiting rooms to hell."

In 1984, the older brother learned that Mederos was in the United States. Reemberto Reyes said he called the FBI and reported Mederos' activities at the Havana hospital. But nothing happened.

AN APPEAL TO THE U.N.

Unhappy with the response of the U.S. agencies, Reyes met in late 1989 with Armando Valladares, then U.S. ambassador to the United Nations Commission on Human Rights. He also met with Luis Zuñiga, vice president of the Association for Continental Peace. Both Valladares and Zuñiga are former Cuban political prisoners.

"Valladares planned to have Mederos testify against the Cuban government in Geneva," before the U.N. human rights commission," Reyes said.

For reasons unknown to him, the plan never materialized and Reyes never heard again from Valladares or Zuñiga.

Zuñiga said this week that they were able to confirm Mederos' presence in Hialeah, "but we never proposed the plan to him. In the end we decided it would not be prudent."

[From the Miami Herald, Apr. 26, 1992]

A GULAG RECALLED IN CUBA—INMATES TELL OF TORTURE

(By Mirta Ojito and Alfonso Chardy)

The lawn was perfectly manicured, the walls white and immaculate.

In the yard, a few patients played volleyball without a ball, until a delegation of foreigners approached. Then an orderly threw them the ball. They played for a few minutes. When the delegation left, they went back to their rooms. Game over.

Welcome to Havana's Psychiatric Hospital, pride of Castro's Cuba, in 1978.

Before 1959 it had been called Mazorra, a name that still stirs feelings of dread and memories of patients screaming in the night, bound naked to their beds by shackles.

Castro promised to invest time, money and expertise to eliminate forever the horror of Mazorra.

Now, 33 years after his experiment began, new stories of horror reminiscent of the Soviet gulags are unfolding. This time, the stories are not about antiquated psychiatric treatment. They are mounting pieces of evidence about the use of shock therapy as a political tool.

"It was a sinister place," says Amaro Gomez Boix, a dissident who was kept there for two weeks in 1978. "I don't know why or how I survived. I guess I hadn't been targeted for destruction.

The memories of many former political prisoners have been painfully reawakened by the recent discoveries that a nurse who they said was a torturer now lives in Hialeah.

"ANGEL OF DEATH"

Ex-inmates say nurse enjoyed giving shocks

Heriberto Mederos, 69, who was a nurse at the Havana hospital from 1945 to 1980, is accused of being a sadist who took pleasure from administering electroshock to patients. Some former prisoners say he is the Cuban version of Dr. Josef Mengele, the Nazi "Angel of Death."

Mederos, who denies allegations of torture, has said that he was following the orders of doctors when he administered electroshocks.

Mederos' name is mentioned by 10 political prisoners and victims of psychiatric torture between 1969 and 1980. Their stories are among 37 told in "The Politics of Psychiatry in Revolutionary Cuba," a book published last year by Freedom House and Of Human Rights.

"They would come in at 3 in the morning, four men, who were crazy," Eugenio de Sosa Chabau, 75, remembered last week. "And they would start to call out names. The ones that weren't crazy, myself included, would run and be first. Because after that, the floor was covered with urine and excrement from the others. About six patients were grabbed. They were thrown to the floor, side by side. Right there, on the floor, the electrodes were applied to both sides of their heads. Six bodies contorted one by one. . . . To me they applied most of the shocks to the testicles."

He was sent to the hospital in 1977, after 17 years in prison, accused of conspiring against Castro.

De Sosa, who said he received 14 electroshock treatments in five months, is demanding that the nurse be deported.

Duke Austin, an Immigration and Naturalization Service spokesman, said deporting Mederos would take a special request by either the U.S. or Cuban government.

Such a special request has been raised only once since 1959. In 1982 a stowaway, a minor, was deported after the Cuban government and his father demanded his return.

"There is no agreement between the two countries, so we can't just deport him," Austin said. "Besides, he hasn't even been found deportable yet."

SUSPICIONS

Psychiatrists say they feared the worst

Former psychiatrists at the Havana hospital, now living in Miami, told The Herald they suspected what was going on but didn't do anything because they were either fearful or didn't have a way to prove the abuses.

Ramona Paneque, a Miami psychiatrist who worked in the hospital until 1970, said she remembered Mederos from the hospital but never talked to him until about a year ago.

"I confronted him in the street, and he said he was not guilty of anything," she said. "I knew that electroschocks were given without anesthesia, but at the time I didn't realize people were being tortured for political reasons."

Ricardo Jimenez Malgrad, a Miami Mental Health Care consultant, worked in the hospital over several periods, the last from 1970 to 1980. He said he knew of Mederos and his methods.

"The big scandal was that we knew people with no mental problems were admitted to the hospital," Jimenez said. "They were held as political hostages. The thing is that we never had clear evidence of torture and also, even if we had it, we were afraid that if we said anything we would end up as patients, too, in the same place."

According to Jimenez, political prisoners were taken to two wards, called Castellanos and Carbo-Servia, which were controlled not by the hospital but by the Ministry of the Interior, the agency for state security.

"What's more, our understanding was that everybody who worked there, including Mederos, was working for the Ministry of the Interior."

The two political wards, as described by former prisoners and dissidents:

Carbo-Servia, a dark place with no windows, housed from 80 to 120 patients.

A 25-watt single light bulb was stuck in the wall, behind protective bars.

The meaner, sicker patients were in control. They shaved the others once a month with the same razor. They held down patients for the electroshocks. They raped the young ones. And terrorized all.

Casetllanos was even worse. It was the punishment area for those who misbehaved in Carbo-Servia.

Doctors wouldn't go into that ward. Patients were confined to tiny cells with thick bars. There were no toilets or sanitary installations and the food was pushed under the bars.

"Those two places were so horrible that people used to beg, cry, to be taken to Villa Marista," Cuba's state security prison, a place were dissidents were usually taken first to be mercilessly interrogated, said Ri-

cardo Bofill, leader of the Cuban Committee for Human Rights, who was taken to the hospital for about 30 hours in 1983. "I have never heard of anything like that before or since."

"A BLOODY MESS"

Electroshock applied in inhumane manner

Much of the outrage over the hospital revelations is focused on the barbaric manner in which electroshock was applied.

"The nurse, Mederos, was not in the habit of putting a rubber bit in the patients' mouth, so patients would bite down on their tongues," said Amaro Gomez Boix, a dissident. "It was a bloody mess. They would lie down on the cold cement floor. Many would urinate and everything else on top of the floor. And since liquid is a good conductor of electricity, the next one suffered even more."

Gomez did not receive electroshock, but he was administered psychotropic drugs.

His crime: After a nine-hour search of his home, police found books considered subversive in Cuba.

The way electroshock was applied by Mederos was "unsafe and inhumane," said Jeffrey Geller, professor of psychiatry at the University of Massachusetts medical school and a member of the American Psychiatric Association.

"What is described in the book is not usual practice under U.S. standards," he said. "In the U.S. ECT is administered following an anesthetic and muscle relaxant."

Ellen Mercer, the American Psychiatric Association's director of the Office of International Affairs, said the organization has received reports about alleged psychiatric abuses in Cuba.

"We found remarkable similarities [with the Soviet Union] on reports we receive from Cuba on this practice to use psychiatry to repress dissent," she said.

Mercer said the American Psychiatric Association wrote to the Cuban psychiatric organization about the abuses but has received no reply.

Frank Calzon, Of Human Rights' executive director and Freedom House representative in Washington, said cases of psychiatric abuses in Cuba were not easily identified because they fell under the general category of torture. But after psychiatric horrors in the Soviet Union became well publicized, attention was given to exploring such abuses on the island.

A RARE VISIT

Amnesty representative granted access in '88

Visitors to Cuba are frequently taken on tours of health facilities, including Havana's Psychiatric Hospital.

Missing from the usual itinerary are the Carbo-Servia and Castellanos wards. Xavier Zuñiga of Amnesty International is one of the few people not associated with the Cuban government to have visited one of them.

Zuniga, who is in charge of the Latin American division of Amnesty International, said he visited Carbo-Servia in March of 1988, the first time an outsider had been granted access.

"We have no reason to believe that political prisoners were taken there for reasons other than medical," Zuñiga said from London last week. "We haven't found a generalized practice, but undoubtedly these practices could have been used to pressure certain political prisoners."

Zuñiga said he asked to see "the other ward," Castellanos, "but I was told there wasn't anything else. That contradicted information we had."

Dissidents maintain that the Havana hospital is not the only place where prisoners are subjected to torture.

"They have created an infrastructure, where in each prison there are psychiatrists or psychologists that belong to the state security and whose only goal is to destroy people," said Andres Solares, who in 1982 spent three days in Carbo-Servia because he was organizing a dissident group.

Recently, the Liberal Cuban Union announced from Madrid that one of Cuba's better known dissidents, the poet Maria Elena Cruz Varela, was held with mentally ill women and was being given psychotropic drugs.

Of the 37 cases detailed in the book, five remain in prison in Cuba. Three are still held in Carbo-Servia, and a fourth one is in another psychiatric hospital.

NINE NEW CASES

Electroshock sessions continue, update says

An update to the book published this year detailed nine new cases. At least five of the prisoners were taken to psychiatric wards as recently as 1991 for "crimes" ranging from writing anti-Castro graffiti to attempting to meet with foreign journalists during the Pan-Am games in Havana last year.

Three of the new patients underwent electroshock sessions, and two others were administered psychotropic drugs.

"Our emphasis is not to persecute Mederos," Calzon said. "Obviously he is already here, and atrocities are still going on. What we want is for the Cuban government to put a stop to the abuses."

[From the Miami Herald, Apr. 26, 1992]

HAVANA HOSPITAL'S OWN REGULATIONS VIOLATED BY METHOD OF APPLYING ELECTROSHOCKS

Although Nurse Heriberto Mederos insists that he was only following the orders of doctors, the way he applied electroshocks was in direct violation of the hospital's own regulations, issued in 1974.

According to a copy of the regulation obtained by the Herald:

Anesthesia was to be used, unless the patient could not tolerate anesthesia.

In Carbo-Servia, it was never used.

The electroshocks had to be administered in an isolated area so that other patients couldn't see.

In Carbo-Servia, it was done in front of everybody.

Two beds had to be used for the treatment—one to apply the electric charge and another for recuperation.

In Carbo-Servia, everything was done on the dirty and wet floor.

Patients who were 50 or younger could receive a maximum of three electroshocks a week. Those who were older, only two.

At least on four occasions, ex-prisoners quoted in the book The Politics of Psychiatry in Revolutionary Cuba received an average of more than three a week.

A rubber bit had to be placed in the mouth. It was seldom used, former prisoners have said.•

TRIBUTE TO PIMA COUNTRY CORRECTIONS ASSOCIATION MEMBERS AND OFFICERS

• Mr. DECONCINI. Mr. President, it is with great pride that I come to the floor to pay tribute to an invaluable group of citizens whose hard work is often overlooked. The Corrections Association Members of Pima County, in the spirit of National Correctional Officers Week, are deserving of recognition for their contributions to and sacrifices for the welfare of society.

Every day of the year, these individuals protect and serve the people of Pima County. They shoulder the responsibility of maintaining custody, care, and control of offenders of the law. These officers require patience and compassion in a career which can be stressful but also rewarding.

Correctional officers endeavor to provide a healthy, safe, and secure environment for those in their custody. It is through the efforts of these officers that programs, and ideas for new programs, are developed and made available to the incarcerated with the hope of reducing recidivism. They hope their work will result in returning law-abiding citizens to society who will make positive contributions to their communities.

The community of Pima County is appreciative of these courageous individuals' commitment and their desire to serve and protect. I am pleased to recognize and commend not only the exemplary correctional officers of Pima County, but all those who serve to protect the security of communities across the United States.•

MOTHER'S PEACE DAY

• Mr. LEVIN. Mr. President, today, May 7, Women's Action for New Directions [WAND] is holding its annual Mother's Peace Day Award Brunch in Birmingham, MI. Six very special women will be honored, and I want to tell you a little about each of them:

Agnes Bryant, active for years in consumer, union, and urban affairs, is a former director of the Human Rights Department of the city of Detroit and a past appointee to the Michigan Commission on Civil Rights.

Elizabeth Harris, executive director of Eastern Michigan Environmental Action Council, oversees an organization that promotes responsible action on issues of environmental concern.

Molly Tan Hayden, M.D., a very busy physician in private life, is a past president and still very active board member of Physicians for Social Responsibility.

Joan Israel is a past president of the metropolitan Detroit chapter of the National Organization of Women. She is a social worker and an activist for women's causes. As long ago as 1973, she planned the first conference on Women and Aging at the University of Michigan.

Ruth Driker Kroll founded Detroit Women's Forum; its purpose is to build coalitions between women of all races, classes, and ethnic backgrounds.

Peggy Posa is the director of the Coalition on Temporary Shelter, a 10-year-old emergency shelter serving 400 meals per day and providing approximately 50,000 shelter nights per year.

The accomplishments of these honorees are varied and demonstrate the interest that women have historically taken in matters of social justice and concern for the well-being of all people. I commend WAND for recognizing these exceptional women and I congratulate each of them and wish them well in all future endeavors.

I wish to also bring to the attention of this Chamber the fact that WAND, known since its founding as Women's Action for Nuclear Disarmament, has broadened its focus and changed its name to Women's Action for New Directions. Why? Because in its own words, "* * * women's concern for the future survival of the planet must be heard." WAND recognizes that hunger, homelessness, illness, economic deprivation, and environmental pollution are the real threats to our country. And WAND "* * * understands the connection between increasing women's political power and redirecting national priorities away from war and toward human and environmental needs."

WAND is a real force in our society, and we recognize the important part it plays in organizing, sensitizing, and educating the public to issues which affect all of us.•

THE INAUGURAL CELEBRATION OF DR. LEON D. FINNEY, JR.'S MINISTRY AT CHRIST APOSTOLIC CHURCH AND COMMUNITY

• Mr. SIMON. Mr. President, I am pleased to congratulate Dr. Leon D. Finney, Jr., of Chicago, IL, upon the inaugural celebration of his ministry at Christ Apostolic Church and community.

For over 30 years, Leon Finney has served the Woodlawn community on Chicago's South Side—and beyond—as a leader and as executive director of the Woodlawn Organization. He has dedicated himself to the fight for civil rights. He has been an organizer and a motivator, spurring others on to address social and economic ills.

On May 17, 1992, Leon Finney's many friends will join together to honor him as he begins his ministry at Christ Apostolic Church. His ministry will allow Leon to expand upon his already extensive record of service.

Dr. Finney was born in Mississippi and raised on Chicago's South Side. After serving for 3 years in the U.S. Marine Corps, he returned to Chicago where he enlisted in the struggle for civil rights. It was there, when Leon was just a young man, where we first met and worked together.

In 1964, Leon Finney joined the Woodlawn Organization [TWO], a community advocacy group committed to improving the quality of life for all the residents of Woodlawn. TWO developed housing, advocacy, and social service strategies to combat the problems faced by that community. Leon Finney served as TWO's executive director for 25 years. Under his leadership, TWO expanded and grew many times over, but remained faithful to its mission of serving the community Leon has always loved.

After retiring as Executive Director of TWO in 1988, Leon Finney, at the age of 50, entered McCormick Theological Seminary at the University of Chicago. There, he became the only person in the 156-year history of the Seminary to earn both a master of arts in theological studies and a doctorate of ministry in less than 2 years.

Through his ordination and call to the ministry, Dr. Finney will continue to contribute to Woodlawn and the larger community. The Christ Apostolic Church aims to support the church family and community through religious and spiritual teachings, and through assistance such as building a day care center to motivate children, establishing a Saturday School to offer an alternative to the streets and providing for the homeless.

I join in the inaugural celebration of Leon's ministry. It is a fitting tribute to him and to the Christ Apostolic Church and community. I am pleased that my longtime friend, Dr. Leon D. Finney, Jr., will continue his years of service to the community. In these challenging times, we commemorate his past achievements and await even greater accomplishments in the future.•

THE OCCASION OF ISRAEL'S 44TH BIRTHDAY

• Mr. D'AMATO. Mr. President, I rise today to congratulate the State of Israel on its 44th birthday. For 44 years, Israel has stood as a beacon of hope for millions of Jews fleeing oppression and seeking a homeland. During this time, Israel has served as our only true ally in the Middle East, a true democracy in a sea of dictatorships.

This Senator is not discouraged by the discord brought about by the events of the past year. Our relationship with Israel is strong enough to overcome any difficulties. What is important, however, is that we do not lose sight of the many contributions Israel has made to the United States.

The Middle East had long been a battleground for the cold war. Throughout the decades-long struggle there, Israel was at the forefront of the battle, defending itself against the Arab States, armed with Soviet weapons and a fanatical hatred for Israel and Jews alike. She shared information, captured equipment, and tactics with the United States. Yet the full range of Israel's contribution to the West's effort in the cold war and beyond is inestimable.

More recently, Israel withstood 39 Scud missile attacks from Iraq during the Persian Gulf war. She could have retaliated and entered the war against Iraq, but did not. On a request from the United States, Israel refrained from her natural right to retaliate for the unwarranted Iraqi attacks. No other nation would have done this for us.

Equally important has been the role Israel has played as a haven for the displaced and oppressed Jews of the world. Israel has committed itself to fully absorbing all Soviet and Ethiopian Jews that seek a home there. All it has asked from the United States is a guarantee to obtain vital commercial loans to build housing and infrastructure for these immigrants. We have a moral commitment to ensure that the very people whose freedom we fought so hard to obtain have a roof above their heads and food on their tables. We owe Israel more than the terrorist State of Syria or the backstabbing nation of Jordan.

In peace as well as war, Israel has been there for us. As Israel enters her 45th year, she will continue to be there. For all that we stand for, the United States must support our ally, Israel.•

THE ECONOMIC EQUITY ACT OF 1992

• Mr. HATFIELD. Mr. President, in 1981, Senator DURENBERGER and I, along with several other of our colleagues introduced the first Economic Equity Act [EEA] in the U.S. Senate. I rise today as a continued supporter of this legislative package.

The Economic Equity Act provides a blueprint for congressional action to eliminate many of the economic inequities facing women in the United States. Previous Economic Equity Acts have made great strides in addressing the economic concerns of women in our society. In each of the last five Congresses, pieces of this legislative package have been enacted into law. I would like to take a brief moment to summarize some of the provisions I have sponsored that have been included in Economic Equity Acts of the past.

The Economic Equity Acts of 1981 and 1983 outlawed several discriminatory practices in the insurance industry that were based on sex. These provisions addressed the many types of benefits available to men which were not available to women. Another provision that was included in early versions of the EEA permitted spouses of civil service and military personnel to share a part of their former husband's pension in case of divorce. Several private pension reforms were also introduced to grant widows the right to receive benefits if their spouses died before retirement.

In 1989, I introduced two bills that were included in the EEA. The first bill, the marriage fraud amendments, addressed the rights of battered spouses in immigration cases. That bill

allowed a battered or mentally abused spouse to file for American citizenship without the concurrence of his or her American partner. Another provision in the 1989 EEA package, entitled "Long-Term Care Volunteers," amended the Older Americans Act to authorize a demonstration project which allowed senior citizen volunteers to work as aides in nursing homes.

Mr. President, these examples, and many others that have been contained in past Economic Equity packages, represent significant progress toward achieving the goal of economic equity for women. I believe we have taken important steps forward in extending equity among the sexes when it comes to wages, benefits and civil rights. However, I am fully aware of the fact that there is still much more work that needs to be done.

I rise to congratulate and commend Senators DURENBERGER and CRANSTON for their foresight in addressing this important issue. This package is not without controversial provisions, a few of which will require my further consideration. For example, I have serious concerns over the inclusion of title V, the Equal Remedies Act, in this bill. This title would overturn one of the compromises reached during passage of the Civil Rights Act last year that made it possible for women, the handicapped, and religious minorities to sue for damages in cases of intentional employment discrimination.

Under current law, these groups may recover full compensatory damages and punitive damages of anywhere from $50,000 to $300,000 depending on the size of the offending company. While I have strongly supported the need for any victim of discrimination to recover damages, I have also received letters from dozens of small businesses who are extremely concerned about the possibility of juries making devastating awards that could put them out of business entirely. In sum, I believe that the rise in enormous punitive damage awards, which close to half of the money often going to the lawyers involved, deserved further consideration by this Congress.

However, I feel that the Economic Equity Act in general is a good representation of the economic issues faced by women in America today. Many of the provisions of this act deserve swift passage into law.

Our work in this area is far from over. Although the disparity between men and women has narrowed dramatically in the last few decades, we must rekindle our commitment to providing a level playing field for all. I therefore support the concepts behind this package and urge my colleagues to do the same.•

SUPPORT GROWS FOR BALANCED BUDGET/TAX LIMITATION AMENDMENT

• Mr. KASTEN. Mr. President, in today's Washington Times there is an article highlighting Office of Management and Budget Director, Mr. Richard Darman's testimony before the House Budget Committee. Mr. Darman stated that the Bush administration supports a constitutional amendment that would require both a balanced budget and a three-fifths supermajority vote of Congress to raise taxes. Mr. Darman said, "I think that if we don't have that kind of protection, the temptation will be to solve the problem without solving the problem—to keep raising taxes." He went on to say that "[the administration] very, very, very strongly would prefer the supermajority vote to raise taxes."

I would also like to call to the attention of my colleagues a letter to Members of the Senate from the Coalition for Fiscal Restraint [COFIRE] which lists 40 taxpayer, business, and farm organizations that support a balanced budget/tax limitation amendment. I ask that this letter and the Washington Times article be printed in the RECORD immediately following my remarks.

The material follows:

[From the Washington Times, May 7, 1992]

WHITE HOUSE BACKS AMENDMENT ON BUDGET

(By Joan Lowy)

White House Budget Director Richard Darman yesterday threw the Bush administration's weight behind a constitutional amendment that would make it more difficult for Congress to raise taxes in addition to forcing a balanced budget.

In testimony before the House Budget Committee, Mr. Darman said the White House supports constitutional amendment proposals in the House and the Senate that would require both a balanced budget and a three-fifths "supermajority" vote of Congress to raise taxes.

"I think that if we don't have that kind of protection, the temptation will be to solve the problem without solving the problem—to keep raising taxes," Mr. Darman said.

The leading proposals for a balanced budget amendment do not include a requirement for a supermajority vote to raise taxes. Supporters believe that, for the first time, they have the necessary votes to pass a balanced budget amendment, but they worry the tax issue could sink the entire effort.

"It's my observation that while we can pass a balanced budget amendment, it would be very difficult to get the votes to pass a balanced budget amendment with a supermajority for a tax increase," said Rep. Lewis F. Payne Jr., Virginia Democrat.

Mr. Darman sidestepped questions from Mr. Payne on whether the administration would still support a constitutional amendment requiring a balanced federal budget if it doesn't include a provision making it more difficult to raise taxes.

"We very, very, very strongly would prefer the supermajority," Mr. Darman said, "I would say this: If in the effort to get that we do not succeed, then I think it becomes all the more important to assure" actions are taken to reduce spending so that a constitutional amendment doesn't "drive the system to go try to increase taxes."

He added: "I stand on what I said, which I know is not the world's clearest answer."

A two-thirds majority of Congress—67 votes in the Senate and 290 votes in the House—is required to approve a constitutional amendment.

Sen Paul Simon, Illinois Democrat and chief sponsor of the leading balanced budget amendment in the Senate, has said he believes he has the necessary votes for approval. But Mr. Simon has made it clear he will work to defeat any balanced budget amendment that also requires a three-fifths vote to raise taxes.

Sen. Robert Kasten, Wisconsin Republican, is sponsoring an alternative amendment that includes a requirement for a three-fifths vote to raise taxes. Mr. Kasten has said he will support Mr. Simon's proposal if his own fails.

But some supporters of Mr. Kasten's amendment have made it clear that if they can't make it more difficult to raise taxes, they'd rather see no balanced budget amendment at all.

In the House, there are 276 cosponsors for the leading balanced budget amendment proposal sponsored by Rep. Charles Stenholm, Texas Democrat. Another 20 or so members have privately told Mr. Stenholm they will vote for his proposal if it's brought to the floor.

An alternative amendment sponsored by Rep. Joe Barton, Texas Republican, that includes a three-fifths vote to raise taxes has also been introduced. But it doesn't appear to have enough support to supplant Mr. Stenholm's proposal.

A test of support for the issue is expected today, when the House is scheduled to vote on a motion by Rep. Willis Gradison Jr., Ohio Democrat, instructing House negotiators to accept Senate-approved language in the annual budget resolution urging adoption of a balanced budget amendment to the Constitution.

Any constitutional amendment approved by Congress would still need to be ratified by 38 states, a process most experts believe would take a minimum of two years.

COALITION FOR FISCAL RESTRAINT;
Washington, DC, May 6, 1992.

OPEN LETTER TO MEMBERS OF THE UNITED STATES SENATE

The undersigned members of the Coalition for Fiscal Restraint (COFIRE) understand that later this month the Senate may take up the subject of an amendment to the Constitution which would require a balanced federal budget.

As a result, we are writing to indicate our support for the balanced budget/tax limitation amendment (S. J. Res. 182) which will be offered by Senator Kasten.

To contain spending growth, the Kasten resolution would require a three-fifths vote in both houses of Congress in order to permit federal outlays to exceed receipts but with an escape clause in the event of a declaration of war.

In addition, it would require the same super-majority vote in both houses in order to increase taxes at a rate greater than the rate of increase in national income.

Continued growth of a national debt approaching $4 trillion caused by massive deficit spending is not only a threat to the nation's present and future economic strength but a legacy for future generations of debt unworthy of a responsible society.

For these reasons, we join together in this endorsement of S. J. Res. 182 when it comes before the Senate.

American Farm Bureau Federation.
American Furniture Manufacturers Association.
American Legislative Exchange Council.
American Rental Association.
Americans for Tax Reform.
Amway Corporation.
Automotive Service Association.
Baroid Corporation.
Chamber of Commerce of the United States.
Citizens Against Government Waste.
Citizens Against a National Sales Tax/VAT.
Citizens for a Sound Economy.
CNP Action, Inc.
Commercial Weather Services Association.
Committee for Private Offshore Rescue and Towing.
Consumer Alert Advocate.
Dairy and Food Industries Supply Association.
FMC Corporation.
Helicopter Association International.
International Ice Cream Association.
Koch Industries.
Marriott Corporation.
Milk Industry Foundation.
National-American Wholesale Grocers' Association.
National Association of Charterboat Operators.
National Association of Convenience Stores.
National Association of Manufacturers.
National Cattlemen's Association.
National Cheese Institute.
National Food Brokers Association.
National Grange.
National Independent Dairy-Foods Association.
National Tax Limitation Committee.
New England Machinery, Inc.
The Seniors Coalition.
Sybra Corporation.
Truck Renting and Leasing Association.
United States Business and Industrial Council.
United States Federation of Small Businesses.
Valhi, Inc.●

44TH ANNIVERSARY OF ISRAELI INDEPENDENCE

● Mr. RIEGLE. Mr. President, I rise to commemorate the 44th anniversary of Israeli independence. On this day of celebration, I would like to express my strong support for the State of Israel and my hope that the close friendship between our two countries remains strong.

On May 7, 1948, Israel was born out of the ashes of World War II. As soon as the new state was proclaimed, however, it was attacked by the combined armies of several surrounding Arab States. Overcoming all odds, Israel survived the 1948 war only to face its neighbors again on the battlefield in 1956, 1967, and 1973.

In less than 50 years since its creation, the Israeli people have applied advanced agricultural techniques to make its fields, once barren deserts, some of the most productive lands in the world. They have created excellent high-tech and textile industries. And, throughout the Jewish State's 44 years of existence, Israelis have maintained a firm commitment to Western values, preserving their nation as the only true democracy in the Middle East.

Furthermore, as guardian of sites holy to Jews, Christians, and Moslems, alike, Israel has consistently shown respect for the different religious faiths which share the historic land. It has ensured that individuals can visit their cherished places and practice their religious customs in safety. For this, the world is thankful.

Finally, on this 44th anniversary of Israeli independence, I would like to reiterate my personal commitment to Israel's right to live in secure, defensible borders. It was only slightly more than 1 year ago that Iraqi Scud missiles rained down upon Tel Aviv and Jerusalem. Demonstrating the strength of its friendship and alliance with the United States, at Washington's request, Israel did not retaliate against Iraq. On this important day, therefore, let us once again pledge to not only maintain, but to enhance the warm relationship between Israel and the United States.●

"THE NEXT WAR IN VIETNAM"

● Mr. SIMON. Mr. President, our foreign policy toward Vietnam has grown out of emotion rather than common sense and is hurting the United States economically. We are going to be paying for this for some time in the future.

I do not, for a moment, condone the human rights violations that have taken place in Vietnam, nor do I suggest that we should not continue to press for full cooperation on servicemen who may be missing in action.

A recent article written by Stephen Brookes appeared in Insight magazine, which is a publication of the Washington Times. The Washington Times is not, as my colleagues know, a liberal, radical, left-wing publication. Brookes points out that other countries are making substantial gains in preparing themselves for huge trade opportunities in Vietnam, while we have been harming our economic future in order to salvage a few political points domestically.

The policy of the United States is gradually shifting, but the pace has been much too slow. If Harry Truman had taken the same attitude toward Germany and Japan that we have taken toward Vietnam, Germany, and Japan would be in much worse shape today, and so would the United States.

While we do not let American business people develop opportunities in Vietnam, the Japanese, the Taiwanese, and others are taking advantage of the situation. American companies like Caterpillar, in my own State, say that our policy is irrational and incomprehensible.

I agree with them completely.

Mr. President, I ask to insert into the RECORD the article titled, "The Next War in Vietnam," written by Stephen Brookes. The article suggests this is a war we are losing because of our own foolish policies.

The article follows:

[From Insight (Washington Times), Jan. 19, 1992]

THE NEXT WAR IN VIETNAM

(By Stephen Brookes)

It's just after dusk on a Thursday evening in Saigon, and the rooftop terrace of the Rex Hotel—a favorite watering hole for foreign businessmen—is starting to fill up. A warm breeze ruffles the animal topiary scattered around the edge of the roof, carrying snatches of conversation from table to table. "They want two and a half million, can you believe it? Up front, yes, in dollars!"

The Vietnamese waiters bustle back and forth with glasses of Heineken beer, Suntory whiskey and Johnny Walker Black Label, skirting the two 10-foot-high plaster elephants, the hanging parrot cages and the statues of naked maidens.

"Sure, sure, but you've got to figure in packaging costs." The accents are Australian, French, German, Chinese. A moth-eaten stuffed bear, rearing on its hind legs, bares its fangs over by the bar as a cluster of Japanese businessmen, chattering happily, find a table and sit down.

Michael Gebbie, the director of a Hong Kong-based investment company called Pacific Transactions, takes a long swig of his Tiger beer. "It's become a cliche, but it's true: Vietnam is the last frontier," he says. "And it's filling up with cowboys."

After 16 years of economic stagnation, archaic politics and global isolation, Vietnam is taking a headfirst leap into capitalism, determined to claw its way into the global economy. With a per capita income of only $200 a year, Vietnam is still one of the poorest countries in the world. But trade with the West is surging, and with its mostly unplundered natural resources, cheap labor force, stable and pragmatic government, fantastic beaches, about 68.5 million consumers, prime geographic locations and unexplored opportunities, the country is being overrun by a stampede of foreign investors, advisers, traders, oil explorers, real estate developers and entrepreneurial adventurers of every stripe who think they've discovered the world's next money-making hot spot.

Forget about Eastern Europe, they say—strictly a basket case, and going to stay that way. The fastest growing part of the world is Asia—and in Asia, the place to be is Vietnam. It's starting from point zero, which means it could grow much faster than overheated economies like Thailand's, and while big profits may still be years away, long-term investors will make out handsomely. With the big capital deposits in Hong Kong, Tokyo and Taipei looking for somewhere to flow, Vietnam is dangling as many lures as it can. And some people are hooked.

"Given where it is, what it's doing and what it has," says Gebbie, "this place can't lose."

There's just one hitch: The United States clamped an almost total embargo on trade and investment in Vietnam in 1975, and it has pressured other countries to abide by the embargo since 1978, when Vietnam invaded Cambodia to kick out the Khmer Rouge. The embargo has squelched large-scale investment from countries that don't want to alienate the United States and has kept Vietnam cut off from development aid from the International Monetary Fund, the World Bank and the Asian Development Bank.

Washington drew up a road map for normalizing relations in April, calling for Hanoi to bring its client government in Cambodia to the negotiating table and to provide more information on American soldiers still unaccounted for, and there are indications that the embargo may be lifted soon.

But even if it were lifted tomorrow, say some investors in Vietnam, an opportunity has been squandered. With Japanese, Australian, Hong Kong, Taiwanese and European investors already poised over the juiciest investments, Washington may have dealt U.S. business out of the hottest new game in town.

To walk through the streets of Saigon (only party hacks call it Ho Chi Minh City anymore) is to walk through a caldron of change. By 8 in the morning, the old colonial tree-lined avenues, virtually empty just a few years ago, are clogged with a raucous, nonstop sea of traffic: Young men on Japanese motorcycles bluster their way through intersections, oblivious to stoplights, while groups of gray-suited Japanese businessmen dodge minivans packed with German tourists.

Decades-old Peugeots and Chevys, kept up with meticulous care, vie for road space with Russian Volgas, while peddlers with carts of bananas and peeled coconuts push past the ubiquitous pedicabs called "cyclos." Bicycles piled high with sacks of rice and bundles of fabric jostle along unsteadily. From time to time, like visitors from a more innocent era, elegant young women wearing the traditional white ao dai delicately thread their way through the traffic, wearing elbow-length gloves to protect their skin from the harsh sun.

The sidewalks, meanwhile have become teeming mazes of hawkers who crouch over their trays of herbal medicines, Russian watches, acupuncture pins, seashells, cartons of Marlboros and cans of Coke smuggled in from Thailand, condoms, week-old copies of Paris-Match, East German surgical supplies. Yamaha synthesizers, handmade lutes, even T-shirts that read, "Born and Bred in the USA.

In the expensive antique shops on the street now called Dong Khoi, the elegant old Rue Catinat, there are ivory cigarette holders, Chinese military binoculars and Zippo lighters inscribed by American GIs. Record stores stock CDs of Bon Jovi, Duran Duran and Rod Stewart, and bookstores sell Vietnamese translations of everything from Neil Sheehan's A Bright Shining Lie to a half dozen Danielle Steel romance novels. (You can even get Alexandra Ripley's sequel to Gone with the Wind—just ask for Cuon Theo Chieugio.)

The T-shirt sellers in front of the presidential palace brandish a familiar face: "Uncle Ho!" they shout to foreigners. "Very cheap!" High overhead, the billboards that sprout from the top of almost every downtown building scream Minolta, Kenwood, Hitachi and a slew of other foreign names. In the doorways below, women squat over small fires in oilcans to stir pots of chicken and vegetables to sell, while the city's lepers, their tin cups clenched against their chests, beg for coins.

The surge of foreign investors has spawned whole new industries, as well. There are more than a dozen *karaoke* bars in downtown Saigon, for example, to cater to the resident Japanese contingent, while European expatriates mingle with the hipper set of Vietnamese in the always crowded Apocalypse Now bar (just around the corner from the Hambugo Caliphonia restaurant). The infamous Maxim's nightclub on Dong Khoi has reopened as a restaurant, but the strip shows of the 1960s have been replaced by a bored pianist playing Beatles tunes, accompanied by an all-girl string section. Even the skyline has changed; at the edge of Hero's Square along the riverfront sits the Australian-built, Japanese-owned Floating Hotel (rooms start at $175 a night), where a Filipino band in the lobby bar sings note-perfect renditions of Western songs like the Joan Jett hit "I Hate Myself for Loving You." The famous open-air terrace cafe of the Hotel Continental, where Somerset Maugham and Graham Greene sat and wrote their novels, has just been transformed into a glassed-in pizzeria called Guido's. "Come to Ho Chi Minh City," the official Saigon Tourist guidebook cheerfully urges, "a town endeared to the search of its identity!"

For Saigon—in fact, for all of Vietnam—that search is moving into high gear. Since the late 1970s, when it became painfully clear that Soviet-style, centrally planned economic policies were creating a quagmire, the country has been revamping its political, economic and foreign policies at a pace that in some ways has outstripped the changes in Eastern Europe. The "American war," as it's called here, had left the country economically ravaged, and the aid and subsidies that Moscow provided were nothing more than Band-Aids.

Putting together a unified, national economy proved daunting. Not only were Hanoi and the newly renamed Ho Chi Minh City at opposite ends of the country, they were (and still are) culturally divided as well. "The people down here never really adopted socialism," says a Singaporean who has lived in Saigon for several years. "They just remember it as a time when the country went dead."

By 1979, with rigor mortis setting in, Hanoi was forced to act. It abandoned collectivized agriculture, allowing farmers to lease land from the state and sell produce at market prices. The results were remarkable: The country went, almost overnight, from being a net importer of rice to a net exporter. Encouraged, Hanoi began to experiment with similar incentives in industry (allowing factory managers to pay piece-rate wages, for example), and in 1986 it formally legalized private economic activity.

It was the beginning of *doi moi*, economic reform, and the policy picked up speed throughout the late 1980s as Hanoi took more and more steps toward a market economy. Some price controls were lifted and the banking system was overhauled. By 1989, Hanoi dropped overall central planning and began cutting away, or abolishing entirely, subsidies to state industries. A slew of market freeing measures followed. Citizens could buy and sell gold, companies were allowed to export and keep the hard currency earnings, managers were given free rein in their factories. *Doi moi* was emerging, the World Bank noted admiringly, as "a bold economic reform that puts Vietnam in the forefront of socialist economies attempting to rejuvenate their economies."

The pace of the reform was, inevitably, sped up by the collapse of socialism in the Soviet Union and Eastern Europe. Until 1989, Hanoi had been able to prop up the economy with huge shipments of gasoline, fertilizer, steel, cotton and other products from the Soviet Union, provided at "friendship" prices, and aid of some $1.1 billion a year. But by 1991 Moscow's pockets were so empty that the shipments dropped by half—and had to be paid for in hard currency at market prices. Moreover, Vietnamese workers in Eastern Europe, who had been sending home as much as $150 million a year, were being repatriated. To cap things off, Moscow also began demanding that Hanoi repay its 9 million ruble debt—in hard currency, naturally.

The rejuvenation hasn't gone completely smoothly. "There isn't any model for us to follow—no communist country has shifted to a market economy," says Vu Huy Hoang, a deputy director of the State Committee for Cooperation and Investment. "But we're finding our way, slowly." Signs of economic vitality and stability are growing. The government's $200 estimate of per capita income is probably an understatement, since so much activity takes place outside the official economy. Inflation is running at 70 percent a year, but that is a vast improvement over the triple-digit inflation that rampaged through most of the 1980s, and the government is determined to bring it down to 30 percent this year.

In discussions with top government officials, bankers and businessmen, one theme comes through an absolute commitment to seeing a market economy evolve, and quickly. "I don't think there's any doubt in anyone's mind that the market economy is the way to go," says Eugene Matthews, a young American investment adviser who lives in Hanoi on a student visa to avoid the restrictions of the embargo, "And not just among the leaders. You talk to the people in the markets, who couldn't sell their produce a few years ago, and they're very enthusiastic about the new system. They like the benefits, and they like that they're allowed to operate the way they want."

Aside from promoting private industry inside Vietnam, Hanoi is also making an all-out effort to attract foreign investors—and the technology, capital and expertise that come with them. In 1986, it baited the hook with one of the most liberal foreign investment codes in the developing world: Foreigners are allowed to own 100 percent of any companies they set up (although they're encouraged to form joint ventures with state-owned companies) and can invest in any enterprise except those related to national security or deemed "socially incorrect," like gambling.

Investors are free to repatriate earnings and capital, with a moderate withholding tax of 10 percent. And while corporate income is taxed at a rate of 20 to 25 percent, the government will bargain. In fact, say investors, everything is negotiable, from taxes to land leases (normally 20 years) to wages (officially, foreign companies are required to pay workers no less than $50 a month). Hanoi is also setting up export processing zones where investors will pay less than 15 percent in taxes, be free from all import and export levies, and get breaks on customs, visa and bank formalities. "we're always talking with foreign businessmen to see what they want," says Hoang of the cooperation and investment committee. "We're very much open to suggestions."

Despite the incentives, investors are wary. As of October, about 330 investment licenses had been granted, mostly for industrial production, oil and gas, agriculture and tourism, representing some $2.47 billion in foreign investment. "According to my estimates, in order to be able to take off in the future, investment should be at least $2.5 to $3 billion a year," says Nguyen Xuan Oanh, a Harvard-trained economist who advises the government on economic policy. "Now, $2.4 billion in two years is too small; we've got to do better than that."

Investing in Vietnam is not for the faint-hearted or for anyone seeking quick profits. The investment code that looks so inviting on paper is not matched by ease in the day-to-day vagaries of doing business. Just signing a contract, for instance, can involve negotiating a maze of interlocking bureaucracies and conflicting regulations. Modern office space is almost unobtainable, and it costs an estimated $100,000 just to get a lease, renovate the building and make it operational. Power supplies are erratic; some sections of Saigon and Hanoi have electricity only four or five days a week, and telex and fax services are unreliable and expensive. Visa and customs formalities can be agonizingly slow, and transportation is atrocious: Roads and railroads are a wreck; Vietnam Airlines' fleet of narrow-body Tupolev-134s has a total capacity of only 1,400 passengers. Water supplies are unsanitary, malaria is pandemic, communications are comically unpredictable (two people trying to call an office at the same time may find themselves connected to each other, for example), and equipment in factories, especially in the North, is often decades out of date and in poor conditions.

Moreover, the rules of the game still haven't been clearly established. Theoretically, an investor can make contact with a company, agree to a joint venture and get a license from the State Committee for Cooperation and Investment. But in practice, things are more complicated. Investors can get locked into doing business with a web of companies under the control of a single government ministry, limiting their freedom and subjecting them to the whims of lower-level bureaucrats. And while bribery is rare, gouging is said to be widespread.

"Corruption here is nothing like it is in some other Asian countries," says a Western businessman who has been in Saigon for several years. "We've never been confronted in official business with any suggestions that we pay people off. But you are sometimes asked, officially, to pay for services which are not reasonable. It's not corruption, but it's not very ethical, either."

And the country's legal framework is still tenuous. While the foreign investment law is quite liberal, investors can find themselves strung up on a web of regulations implemented by local authorities. "A lot of the financial problems people get into stem from the legal problems," says one European adviser in Hanoi. "Contracts can suddenly change, unilaterally. And although Vietnam has agreed to go to outside arbitration panels to settle disputes, the final guarantor of the agreements is Hanoi. So . . ."

Vietnam's isolation has left its mark as well. "You're dealing with highly intelligent people who are well-educated and eager to learn," says one European businessman. "What they lack is the understanding of Western business practices and concepts. And that leads to indecisiveness; they'd rather not make a decision than make a bad one. They're lovely people, but they don't understand the idea of time being money." Some Vietnamese agree. "The success of doi moi has been uneven, primarily because of the lack of competent managers," says government adviser Oanh. "Bankers, managers, the people who can fill the key positions—these are very much missing at the moment."

In fact, the old military cadres who made their mark in wartime—against the Americans, the Khmer Rouge or the Chinese—were often rewarded with directorships of state companies. "You'll sit down at a meeting with the managers of a Vietnamese company, and then the director will make his appearance," says Gebbie of Pacific Transactions. "And everybody will roll their eyes and look down at the table while he makes a few comments. After a minute or two of this, he's conveniently called away to take a telephone call. And then you can start discussing the project."

In spite of the hazards and hassles, though, money is still coming in. Taiwan has been the most enthusiastic investor. It has the largest single joint venture in the country—worth some $88 million—and a total of 39 projects worth nearly $538 million are under way. Some $350 million has come in from Hong Kong investors, $280 million from Australians and $273 million from the French, who have been putting money into textile mills, oil exploration, hotels, auto assembly plants, seafood processing and anything else that seems promising. Investment companies like Pacific Transactions and Inchcape Vietnam are setting up shop, and international banks are opening branches. Investors have come from Britain, Denmark, Hungary, Argentina—31 countries in all.

But the country that is having the most impact is Japan. Tokyo has been paying lip service to the American embargo and has not provided any official aid, but neither has it forbidden its businessmen from trading or investing with the Vietnamese. As a result, tens of thousands of Japanese have been scouting the territory for the past several years, looking for investment opportunities, signing agreements for joint ventures and waiting until the embargo is lifted. Their ranks are growing: The number of entry visas granted to Japanese businessmen doubled last year, to about 15,000. With $103 million committed so far, Japan is only the ninth-largest investor, but trade between the two countries shot up to an estimated $1 billion last year, making Tokyo Vietnam's largest trading partner. Official development assistance from Japan's government likely would unleash a flood of investment.

In fact, the Japanese presence is so strong that it has made other investors nervous. There are huge billboards advertising Japanese electronics and automobiles all over Saigon and Hanoi, and companies like Hitachi (which opened a showroom in Saigon in November) are praising Vietnam as "the market of the future."

"The day after the embargo is lifted, you will probably find that the Japanese have sewn up the country," says a European businessman in Saigon. "They've been preparing for that and spoiling the prospects for others to do business in the meantime. You just can't help but feel that the Japanese are not able to put their money where their mouth is, that they're just using delaying tactics until the embargo is lifted, hoping that opportunities will become available. So it's determined to the country's growth."

In fact, Japan-bashing is almost a full-time sport among non-Japanese investors. They complain that the Japanese have been pushing up rents to ludicrous levels—leasing unrenovated villas in Hanoi for as much as $30,000 a month, for example—and accuse them of taking advantage of the lack of business sophistication among the Vietnamese.

"This town is full of big-money cowboys," says investment adviser Gebbie. "They'll draw up a $25 million project for a new building, get a license from the government to use the land and then disappear. They can't pull the financing together, but they've tied up the property. So when somebody else comes along with a serious proposal—say, renovating a building already on the site for $2 or $3 million—the Vietnamese will turn it down. Why should we do that, they ask, when these other guys want to invest $25 million? So nothing gets built. The cowboys scare the serious money away."

Oanh agrees. "It's quite simple to check on peoples' credit ratings," he says. "But most of the leaders are quite green at the game. They don't know how to do it, so they sign everything and anything, and it turns out to be a raw deal."

On broad, leafy Dien Bien Phu Avenue in Hanoi, just around the corner from the gray marble mausoleum that holds Ho Chi Minh's body, sits an elegant old villa housing Vietnam's Ministry of Foreign Affairs. In a second-floor reception room looking out over what must be one of the only statues of Lenin left standing in the world, Deputy Minister for Foreign Affairs Le Mai is eager to discuss the American embargo. As head of the delegation that met in November with Richard Solomon, U.S. secretary of state for East Asian and Pacific affairs, he seems optimistic that relations will be normalized soon. "I told Mr. Solomon, you have the American road map, and I have the Vietnamese shortcut," he says, laughing. "So let's put them both on the table and talk."

Normalizing relations with Washington has been at the center of Hanoi's foreign policymaking for more than a year. While the Vietnam War still seems close to many Americans, the Vietnamese have been through two border conflicts since then, first with the Khmer Rouge in Cambodia, then with China. Americans are greeted almost everywhere in Vietnam with genuine warmth and interest. Until the embargo is lifted, economic recovery can never really take off. "It was our initiative to normalize relations with the United States, you know," says Le Mai. There are two official interpreters in the room, but as he speaks perfect English, they wait quietly, listening. "We know we are a small and humble country, so we should make the first step."

Signs of a shift in U.S. policy are multiplying. Washington lifted its embargo against Cambodia on Jan. 4, and during a January visit to Hanoi Rep. Stephen Solarz, the New York Democrat who heads the Foreign Affairs Subcommittee on Asian and Pacific Affairs, said the embargo against Vietnam might be lifted this summer or fall. While U.S. airlines are still forbidden to fly to Vietnam, Washington lifted the ban on U.S.-organized tours in mid-December.

There are also signs that America's allies are growing increasingly impatient and that international support for the embargo is crumbling. Japan's influential Ministry of International Trade and Industry has indicated it is close to supporting Japanese investment in Vietnam, and grants and soft loans are flowing in from a number of countries, including Australia, Italy and France.

"The embargo is like gunship diplomacy," says Le Mai. "It's out-of-date and doesn't fit the international situation today, which is the world of interdependence. That's why all people in Southeast Asia would like to see U.S.-Vietnamese relations normalized—it would be beneficial to all."

Some observers, like George Carver of the Center for Strategic and International Studies in Washington, are skeptical. "Vietnam is never going to be an economical tiger, or anything but a basket case, unless it forswears Marxist ideology, which is still the dogma of the country," he says. "And there's a lot more in normalizing relations for them than there is for us. So what's the rush?"

But to others, there's no more time to waste. "The Japanese may not be the largest investors now, but I guarantee you that one year after the embargo is lifted, they'll be No. 1," says investment adviser Matthews. "Do we want a country like Japan, which is our economic competitor, to gain an economic leverage by having access to cheap labor and a lot of natural resources? Do we want them to have that advantage over us? My answer to that is, no. Definitely, no."•

ADDITIONAL COSPONSOR—S. 2606

• Mr. BINGAMAN. Mr. President, I rise today to cosponsor S. 2606 which revises the current U.S. Forest Service ski area fee formula. It is my understanding that the bill will accomplish three goals. First, it will simplify the existing graduated fee rate system [GFRS] formula by substituting a new formula which uses adjusted gross revenues and a new graduated percentage rate. Second, the bill will limit ski area rental fee calculations to revenues from facilities actually located on Service lands. Finally the bill will withdraw ski area lands administered by the Service from mining and mineral leasing and operating laws.

While I support the primary elements of the bill, I am concerned that the new fee system should remain revenue neutral. The goal of revenue neutrality is to provide continuity to the service's established fee program and to ensure that ski areas do not experience radical increases or decreases in the fees currently being paid to the Government.

The Service is currently comparing the two systems to determine if annual revenues from the new formula will remain similar to those generated under the GRFS system. This study is due to be completed by the end of May. If this study reveal that the new system is not revenue neutral, I propose that the bill be amended to include language which requires that the Service's ski resort fee program maintain revenue neutrality.•

CLINTON WINS PRAISE FOR HIS REFORMS OF ARKANSAS EDUCATION

• Mr. SIMON. Mr. President, there is a lot of pious talk coming from the administration about making a priority out of education, and I hope that talk can turn into reality, but so far, it is mostly talk.

When you look at the inflation adjusted figure for what has happened in education from fiscal year 1981 to fiscal year 1991, there is a 2-percent assistance for education.

I have just finished reading an article in the Chronicle of Higher Education about what is happening in Arkansas under Gov. Bill Clinton. In that article, it mentions that State appropriations, adjusted for inflation, for all States have gone up 8 percent in that same decade; for the Southern States, it went up 19 percent, which is to their great credit; and for the State of Arkansas, it went up 42 percent.

While making great speeches about education is an easy thing, and President Bush has been great on the speeches, the reality is, we have to judge people by their deeds not their speeches.

On that basis, Gov. Bill Clinton looks much stronger.

My hope is that we can get positive action from both the administration and his opponent for the Presidency. I would like to see a real discussion of the issues.

I ask, Mr. President, to insert into the RECORD the article from the Chronicle of Higher Education.

The article follows:

[From the Chronicle of Higher Education, Apr. 29, 1992]

AMID SOME GRUMBLING, CLINTON WINS PRAISE FOR HIS REFORMS OF ARKANSAS EDUCATION

(By Goldie Blumenstyk)

LITTLE ROCK, AR.—Bill Clinton, the probable Democratic Presidential nominee, can lay honest claim to the title "education governor," educators here say.

Since recapturing the Arkansas Governor's office in 1983, Mr. Clinton has made education the central focus of his administration and has built a substantial record.

At his direction, the state raised teacher salaries and required teachers to pass a competency exam to keep their jobs. Arkansas instituted standards that required all public schools to offer college preparatory courses in mathematics and sciences and pushed laws to make colleges accountable for what their students learn.

Mr. Clinton has encouraged students to go to college by establishing new scholarship programs, revamping technical colleges, and sponsoring annual receptions for high-school valedictorians.

Two of the three times he tried, Governor Clinton even managed to get money for his reforms by pushing tax increases past a stubborn General Assembly.

QUESTIONS ABOUT TAXES

Despite the progress, it is uncertain whether Mr. Clinton's reforms, particularly in higher education, have made a difference. Some here say that his reluctance to challenge powerful business interest, particularly in the poultry and natural-gas industries, led him to depend too heavily on regressive sales taxes to finance those reforms.

The one time he did raise corporate taxes, in 1991, the result was a modest half-per-cent increase, tied to an overhaul of technical schools that had been sought by business and industry.

Even with the tax increases, some higher-education officials say their institutions lack the resources to pay premium salaries or acquire special equipment or materials. Governor Clinton has increased state spending on research, but Arkansas cannot afford the extensive array of research programs that have helped other Southern states, such as North Carolina and Virginia, attract high-technology industries. And supporters of the state's public black college grumble that the Governor has not fervently championed their institution needs.

"The core of what we have is probably very decent," says Gary D. Chamberlain, director of the Arkansas Institute for Economic Advancement. Colleges and universities have enjoyed some good years financially, he says, but, on the whole, "we're not well-funded. It's not something new for us. We never have been."

MANY OF BEST STUDENTS ESCHEW STATE COLLEGES

Some public-college faculty members also question whether Mr. Clinton could have accomplished more before 1991, the year many of his higher-education programs were finally passed and financed.

"We'd been disappointed until this year," says Thomas R. McKinnon, an economics professor at the University of Arkansas at Fayetteville.

State officials themselves concede that many of the State's best students eschew Arkansas public colleges. About 15 per cent of the high-school graduates pursue their higher education outside the state—just as Governor Clinton did. Mr. Clinton is a graduate of Georgetown University and studied at Oxford University as a Rhodes Scholar before receiving his law degree from Yale University Law School.

Bill Clinton was first elected Governor in 1978. He was defeated in 1980 (the term changed from two years to four in 1986), and was elected again in 1982. After assuming office in January 1983, Mr. Clinton began a decade-long crusade to improve education in the state.

SWEEPING PACKAGE OF SCHOOL REFORMS

The efforts were prompted in part by an Arkansas Supreme Court ruling that struck down the state's formula for financing its public schools. The Governor's wife, Hillary Rodman Clinton, a lawyer who, like her husband, taught briefly at the University of Arkansas law school in the mid-1970's, chaired a key committee that helped develop many of the new school rules.

The result was a sweeping package of school reforms, financed with a one-cent increase in the state sales tax, which brought it to 4 per cent. Most of the money went toward public schools, with noticeable results. In 1982, 35 per cent of all high schools didn't offer advanced mathematics, 32 per cent didn't offer physics, and 47 per cent didn't offer foreign languages. Today all high schools offer those subjects.

The Governor's supporters say those early efforts have helped higher education by better preparing students for college. "He's concentrated on the supply side," says Diane Blair, a friend of Mr. Clinton's and a professor of political science at the University of Arkansas at Fayetteville. Ms. Blair, who is now working for the Clinton campaign, says the reforms "were essential for any real improvement in higher education."

MEASURABLE RESULTS

Some results of those earlier reforms are now measurable.

The college-going rate (which the state calculates by counting the number of high-school graduates who go on to Arkansas public and private colleges in the fall following their graduation) has increased from 38 per cent to 51 per cent since 1983.

That alone is noteworthy, says Mark D. Musick, president of the Southern Regional Education Board. "That is a major change for a state. That's the kind of change that has long-term benefits."

But along with an improved college-going rate, Arkansas has found that a high proportion of the freshmen at public colleges require remedial work: Last fall, more than 54 per cent were placed in remedial mathematics courses, 38 per cent in remedial Eng-

lish courses, and 34 per cent in remedial reading courses, state records show.

The percentage of students requiring remedial English and mathematics has risen slightly in recent years. State higher-education officials say the increase is due partly to the phasing-in of higher standards. In 1989 students who did not score above 15 on the American College Testing Program exam were required to take remedial classes. Now, the act cut-off score is 19.

Because states assess entering students differently—or not at all—comparing Arkansas with other states is an imperfect exercise. Mr. Musick, however, say Governor Clinton deserves credit for his approach to remedial education.

"Arkansas is one of the few states that has forthrightly faced the issue of remedial education," he says. A 1987 law requires colleges to assess entering students and report back to the high schools on how their graduates fared.

Diane Gilleland, the state's director of higher education, says students who have taken the proper preparatory courses do better on the act—and, in the past four years, there has been a 29-percent increase in the number of students who take such courses. "We're just now beginning to reap the harvest of these courses being in place," she says.

Ms. Blair says Mr. Clinton deserves credit for the benefits that trickled down to higher education from the 1983 reforms. He also deserves praise, she says, for his unpopular insistence that one-quarter of the new revenue from the 1983 sale-tax increase be set aside for colleges and universities.

After 1983, political opponents of Mr. Clinton accused him of "diverting" money to higher education," as if that was some kind of fatal flaw," recalls Ms. Blair.

Yet the issue of college and university financing has been a sore point for higher-education officials here. The biennial budgets enacted between 1985 and 1991 were spare.

As recently as 1989 the state's Board of Higher Education expressed its displeasure publicly. In its Arkansas Higher Education Plan 1989-94, the board made up mostly of Clinton appointees, declared "a crisis in higher education," and said: "We are well behind the region and the nation in almost every comparative measure of financial support for public higher education."

New taxes and other programs enacted in 1991, particularly an additional half-cent increase in the sales tax, are designed to remedy many of those ills.

A POLITICALLY POTENT GROUP

The bulk of the new sale-tax revenue is being used to raise the salaries of public-school teachers—a politically potent group that Mr. Clinton alienated with his teacher-testing program in 1983.

Higher education is getting about $30-million from the tax. The money is being used to increase salaries and to create several new financial-aid programs. One of those is the Arkansas Challenge Scholarship Program, designed to encourage schoolchildren to prepare for college by promising all low- and middle-income students free tuition at a public college if they earn good grades.

Increasing financial aid has been a high priority of Mr. Clinton's. In 1982-83 the state was providing about $1.5-million for financial aid. By 1991-92, the amount had grown to more than $8.1-million.

During the 1991 session, law-makers also approved Mr. Clinton's College Savings Bond program, which is designed to help families save for college and so far has provided about $72-million for new library acquisitions, scientific equipment, and major construction and maintenance projects at campuses across the state.

In addition, Arkansas is overhauling and upgrading its technical-education system, thanks in large part to the half-per-cent income tax that also was enacted in 1991. Fourteen of the state's 24 postsecondary vocational-technical schools are adding college-level courses and are expected to meet technical-college accreditation standards by 1997.

Some political activists here contend that Governor Clinton could do much more for education, without harming the well-being of most citizens, if he campaigned for a major increase in the tax on natural gas, which the poultry industry has helped to keep quite low. Says Brownie Ledbetter, president of the Arkansas Fairness Council: "He has got a lot of political capital. He sure as hell doesn't want to provoke the power structure."

Ms. Ledbetter served on a tax-reform commission appointed by Mr. Clinton that recommended changes in state tax laws. "Nobody even picked up our stuff and wrote bills on it," she says. "He never paid any attention."

SOLE PUBLIC BLACK COLLEGE

Supporters for the Governor say that he has risked political capital with his campaigns for tax increases and that it is unrealistic to expect more of him, given Arkansas's political traditions.

Another issue on which Mr. Clinton draws criticism is the state's treatment of its sole public black college, the University of Arkansas at Pine Bluff. "We needed some extra attention, which has not really been forthcoming under his administration," says Corliss Mays Howard, president of the institution's national alumni association. Ms. Howard says Arkansas is not living up to promises it made to the federal government in 1988, when the state was released from a federal desegregation lawsuit.

"We still don't offer professional degrees," she says, and the master's degrees that the state promised to create in the late 1980's were begun only a year ago. Also, she says, the state's assistance in providing housing for the institution's growing student body has not ben adequate.

"I don't think he's done anything special, but he's been fair," says Ms. Howard.

State officials say the Governor has supported several efforts for Pine Bluff, including state financing for a new dormitory and a special annual allocation—$638,000 this year—above the amount it would receive under the state budget formula for "program enhancements."

THE WHOLE RECORD

Others, taking Mr. Clinton's entire record into account, are more enthusiastic than Ms. Howard. "We're better off now than when I got here 11 years ago," says Barry M. Maid, chairman of the English Department at the University of Arkansas at Little Rock. He says the institutions still need more faculty positions, better salaries, and better equipment. But he is able to hire faculty members at competitive salaries, Mr. Maid says, and he has enjoyed consistent, if "not outstanding," raises, while colleagues in public colleges across the country endure pay freezes, layoffs, and budget cuts.

"We still have a crying need," Mr. Maid says. But "talking to friends in New York and Massachusetts and Virginia, I'm really happy to be in Arkansas."●

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. If there is no further morning business, morning business is now closed.

NATIONAL VOTER REGISTRATION ACT OF 1991

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending business is S. 250.

CLOTURE MOTION

Mr. FORD. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee substitute amendment, as modified, to S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes:

Wendell Ford, Jeff Bingaman, Daniel K. Akaka, Max Baucus, Timothy E. Wirth, J.R. Biden, Jr., George Mitchell, Richard H. Bryan, Bob Kerrey, J. Lieberman, Pat Leahy, Brock Adams, Daniel K. Inouye, Bill Bradley, John F. Kerry, Frank R. Lautenberg.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that we now go into morning business and Senators be permitted to speak therein.

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

THE GLOBAL PROTECTION ACT

Mr. KERREY. Mr. President, I am pleased to join Senator GORE and others as an original cosponsor of the Global Protection Act. This legislation is a critical step for protecting both our environment and our economy. The bill requires the administration to take action to stabilize carbon dioxide emissions at 1990 levels by the year 2000. This would put the United States in line with the other major industrialized countries. It is important that we announce our willingness to be a world leader and adopt a sensible and economically balanced strategy.

We have heard increasing evidence about the growing levels of carbon dioxide in the Earth's atmosphere and the potential impact that these heightened CO_2 levels could have on the Earth's climate. The potential environmental costs are tremendous.

We also need to focus on the potential economic impact of the United

States ignoring global environmental issues. There is ample evidence that other countries are investing heavily in a new generation of technologies to reduce energy consumption, pollution and reduce CO_2 emissions. The United States is currently the world leader in the production of environmentally sound technologies. We risk that leadership and jeopardize future economic growth and job creation if we fail to invest wisely and commit ourselves to stabilizing CO_2 emissions.

Most importantly, recent studies, including one by the Office of Technology Assessment, confirm that we can achieve the goal outlined in this legislation through voluntary measures without hurting our economy. The passage of the Clean Air Act and the National Energy Security Act were two important steps in reducing pollution and reducing emissions, but we need to outline a national strategy to achieve the goal of stabilizing CO_2 emissions by the year 2000.

In the coming year we should engage in a debate about the most innovative policy options to reduce our energy consumption—we currently expend about 10 percent of GNP on energy compared to about 5 percent in Japan—and CO_2 emissions. We need to explore a broad range of incentives and market-based solutions to ensure that we are achieving these important environmental goals in an economically efficient manner.

This legislation sends an important signal to the world community about America's commitment to world leadership. I urge the President to exercise leadership and offer an innovative and far-reaching proposal for the Rio Conference in July. Time is running short.

SALUTE TO GEORGE MURPHY

Mr. DOLE. Mr. President, I am one of the Members of this body who had the distinct privilege of serving with Senator George Murphy of California, who passed away on Sunday.

During his 6 years in the U.S. Senate, Senator Murphy earned the friendship and respect of all those who served with him. He was—in every sense of a word you don't hear much these days—a true gentleman. He never let the rough-and-tumble world of politics take precedence over simple human decency and courtesy.

And, in the unassuming manner which made him so popular to a generation of American theater and movie audiences, Senator Murphy got things done for California.

He was an effective advocate for a strong national defense, and he led the search for solutions to the problems that faced California's migrant farm laborers and the agriculture community.

We can also thank Senator Murphy for the fact that those in the gallery can hear what we are saying on the floor.

In his last years in the Senate, Senator Murphy courageously battled throat cancer. Surgery left him with a very quiet voice. At that time there was no sound system here on the floor, so Senator Murphy took matters into his own hands, and brought a portable system with him when he was to speak. It wasn't long after that when the Senate installed its own system.

I know all Members of the Senate join with me in extending our condolences to Senator Murphy's widow, Betty, and to his children, Dennis Murphy and Melissa Brown.

ORDERS FOR FRIDAY, MAY 8, AND TUESDAY, MAY 12, 1992

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Friday, May 8; that when the Senate meets on Friday, it meet in pro forma session only; that at the close of the pro forma session, the Senate stand in recess until 9:30 a.m., Tuesday, May 12; that on Tuesday, following the prayer, the Journal of proceedings be deemed approved to date, and following the time for the two leaders there be a period for morning business, not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each, with Senator PRYOR recognized for up to 30 minutes; that at 10 a.m., the Senate resume consideration of the motion to invoke cloture on S. 250, the motor-voter bill; that the time from 10 a.m. to 12:30 p.m. and from 2:15 p.m. to 4 p.m. be equally divided and controlled between Senators HOLLINGS and KASTEN or their designees; further, that on Tuesday the Senate stand in recess from 12:30 p.m. until 2:15 p.m. in order to accommodate the regular party conference luncheons.

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

RECESS UNTIL 10 A.M. TOMORROW

Mr. FORD. Mr. President, if there is no further business today, I ask unanimous consent the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 7:14 p.m., recessed until Friday, May 8, 1992, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 7, 1992:

DEPARTMENT OF STATE

DAVID C. FIELDS, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS.

WILLIAM HENRY GERALD FITZGERALD, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRELAND.

PRINCETON NATHAN LYMAN, OF MARYLAND, 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 SOUTH AFRICA.

WILLIAM THORNTON PRYCE, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HONDURAS.

TERESITA CURRIE SCHAFFER, OF NEW YORK, 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 DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY TO THE REPUBLIC OF MALDIVES.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 7, 1992:

SMALL BUSINESS ADMINISTRATION

THOMAS P. KERESTER, OF VIRGINIA, TO BE CHIEF COUNSEL FOR ADVOCACY, SMALL BUSINESS ADMINISTRATION.

DEPARTMENT OF STATE

ROMAN POPADIUK, OF NEW YORK, A CAREER MEMBER OF THE FOREIGN SERVICE, CLASS ONE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO UKRAINE.

SIGMUND A. ROGICH, OF NEVADA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ICELAND.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING ANNE H. AARNES, AND ENDING DANIEL RICHARD RUSSEL. (SEE EXECUTIVE JOURNAL PROCEEDINGS OF APRIL 28, 1992, FOR COMPLETE LIST.)

EXTENSIONS OF REMARKS

BACK TO THE FUTURE—ON A BOAT

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. VANDER JAGT. Mr. Speaker, when Michael J. Fox slips "Back to the Future" in the movies, he does it in a sleek DeLorean—a sort of self-fulfilling flight of fancy.

When the S.S. *Badger* slips its moorings in Ludington, MI, on May 15, and steams toward its destination at Manitowoc, WI, it will do so in a unique marriage of the past and the future—of experience and imagination—beyond the vision of even the eccentric Prof. Emmett Brown.

But it fulfills a vision clear in the wide-eyed wonder of a young Charles Conrad, who learned to love the steam-powered vessels which ferried trains and cars, and people, from the shores of western Michigan to ports in Wisconsin.

A love of the cross-lake ferry was born in the heart of Charles Conrad, and it was never lost. When the ferry service was discontinued after a loss of commercial and passenger interest in November 1990, and its owners subsequently filed for bankruptcy, there was little question in Charles Conrad's heart as to his intentions. The ferry would not be lost for lack of a suitor.

The courtship—an apt word for a process that involved not a few trips to courtrooms—was not without its stormy moments. But the wonder of a little boy, merged with the vision and vitality of a retired businessman, finally won the hand of the widowed lady.

But setting up housekeeping has been nothing if not a witness to the fact that some ladies can be very demanding on the family budget—especially when the heart of the lady is a steam boiler, and her closet is full of old clothes.

With a singlemindedness born of a faith in his memory, and in the promise of his vision, Charles Conrad has persevered—and, given new life and a fresh wardrobe, the lady will be presented to her public, to sail the sea and generate new loves and new visions.

Of course, the resumption of Lake Michigan Carferry Service will do more than offer a new chance for the love of the sea. It will provide badly needed jobs and economic stimulation to people and ports on both sides of the lake—most notably to Ludington, the service's homeport. And the rededication to this vision which takes place on May 15 is also a statement of the future—and an additional look to the past, as Charles Conrad and his Lake Michigan Carferry Service seek to refurbish two other fine ladies, the *City of Midland* and the *Spartan*, to provide backup and to inaugurate cross-lake commercial, offpeak, operations. We are proud of Charles Conrad, the city of Ludington, Mason County and the countless others who are contributing to revitalizing not only this vibrant slice of Lake Michigan's past, but also the future economic and commercial environment of the area.

I know that my colleagues will join me in congratulating the Lake Michigan Carferry Service on the occasion of this resumption of a grand tradition—truly a ride back, and to the future. I offer, for a glimpse of the past, and the future, two articles on the carferry service, one from the Ludington Daily News, the other from the Muskegon Chronicle:

[From the Ludington (MI) Daily News, Dec. 18, 1991]

NEW PURCHASE AGREEMENT REACHED ON CARFERRIES

(By Paul S. Peterson)

Lake Michigan Carferry Service, Inc., announced this morning that it has reached agreement with the bankruptcy trustee on the terms and conditions for purchasing the carferries and dock property.

The announcement was made during a joint breakfast meeting of the Scottville and Ludington chambers of commerce held at Gibbs Country House Restaurant.

Donald Clingan, vice president for marketing for the carferry company, outlined the new agreement, which does away with the one made between Charles Conrad and Michigan-Wisconsin Transportation Co. back in July.

Under terms approved by the bankruptcy trustee, Conrad's company can purchase the carferries for $500,000, payable by cash and a promissory note, and the land for an additional $375,000, making a total price of $875,000.

The land is the 13 acres that Glen Bowden bought from the Chesapeake & Ohio Railway Co.

The trustee stipulated that the carferries and land must be purchased as a single entity, meaning no one would be permitted to buy one or the other.

The trustee set a 30-day time limit to allow for anyone to bid on the carferries and property. Deadline for bids is Jan. 17. The trustee will then consider all bids at a hearing on Feb. 18.

"We are confident that the court will approve our proposal and that it will be final on that day, or a few days therafter," Clingan said.

Clingan said the company's attorney feels the trustee "has been reasonable but extremely firm in these negotiations."

The new agreement is structured differently than the original one," said James Anderson, executive vice president.

So far, Conrad has spent more than $300,000 in refurbishing and improving the carferries and the operation, Clingan said.

"Before we sell ticket No. 1, Charles Conrad will have invested more than a million dollars," Clingan said.

"This is a very important day for us," Clingan said. "It is a milestone. This purchase agreement provides us with the incentive to continue the renovations of the Badger, hire quality people and implement our marketing plan."

Anderson said that Lake Michigan Carferry Service will be "working with a lot of old employees" as well as new ones. It is estimated that between 70 and 100 jobs will be created.

Ludington Mayor Jack R. Scott said, "This is a happy moment for me. I go back in history a bit to the time when the City of Ludington was negotiating with our esteemed state senator and we couldn't reach agreement. Fortunately for the area, Charles Conrad came along and put his financial support into the operation. I want everyone to know that Ludington solidly supports the new carferry operation and will do whatever it can to help."

Under previous owners, Michigan-Wisconsin Transportation, the carferries last ran over 13 months ago.

CARFERRY SERVICE FILLS MORE KEY POSITIONS

Lake Michigan Carferry Service, Inc., is beginning to fill key personnel positions as it heads toward its May 15 inauguration date.

Don Clingan, vice president for marketing, introduced members of the carferry company's staff, including Captain Bruce Masse, who will be head captain, and Chief Engineer Steve Morong.

Joining the staff is Thom Hawley, who has been named manager of onshore operations, focusing on passenger accommodations. Others introduced were Paul Piper, accountant and controller, Skip McCumber, who will be in charge of tour development and on-board cruise director, Carol Thompson, superintendent of the marine shop, Roger Liebetreu and Robert Nash, both of the marine shop.

Clingan said the company is moving forward with marketing plans that will include such on-board amenities as numerous gift shops, a historical display of maritime history, particularly as it pertains to the carferries, an improved food service, possibly a passenger elevator and, if equipment permits, a video system that will allow passengers to learn about what is available to them in Mason County and Manitowoc.

"Our marketing studies show that we will serve a seven-state area containing more than 50 million people," Clingan said. "Our immediate goal is to attract 80,000 passengers in 1992, and have it grow from that point."

Clingan said a weekend-long—May 15–17—cruise operation will kick off the sailing season. Regularly scheduled sailings will begin May 18 with one trip a day. Beginning June 25, however, there will be two round trips daily. The season will end Sept. 15.

"We have done extensive refurbishing of the Badger," Clingan said. Included are the repainting of the staterooms and a complete overhaul of the passenger lounge.

"We paved over the cardeck with 325 tons of asphalt, no small amount," he said. That weight is considerably less than if the Badger were carrying 32 loaded railroad freight cars.

Clingan said it is the company's hope to have a maritime festival in May to help inaugurate the resumption of cross-lake service.

[From the Muskegon Chronicle, Apr. 26, 1992]

CROSS-LAKE SERVICE TO GET A NEW LIFE

(By Terry Judd)

LUDINGTON—As he dodges sparks from welders working against the clock to renovate the S.S. Badger, Holland businessman Charles Conrad harkens back to his youth, when he used to explore Ludington's car ferries stem to stern.

His father, James Burt Conrad, worked 35 years for the rail company operating ferries in Ludington. Young Charles Conrad often had free reign of the ships as they crossed Lake Michigan.

He also worked with "the bilge gang," cleaning out water from the ships and greasing hull interiors to prevent rust. He later was a purser.

"I was all over those ships—in the engine room, the pilot house," Conrad said. "Those ferries were a big part of my childhood."

Now, at age 74, Conrad again is spending much of his time walking through cross-lake ferries—this time the 40-year-old Badger, which he now owns along with the ships Spartan and City of Midland. When service to Manitowoc, Wis., is inaugurated May 18 out of Ludington, the Badger will be the only steam car ferry on the Great Lakes.

"This is a new rebirth for car-ferry service, with a new mission to serve people, to serve industry and to serve trucking," Conrad said.

"We will have the best service, the best equipment and the best results for the economy and employment."

Even as crews complete extensive renovations in three short weeks, officials with Conrad's Lake Michigan Carferry Service are actively promoting the schedule, which calls for two round trips each day between Ludington and Manitowoc during the peak season.

The service also will offer one daily round-trip in the early and later part of the sailing season.

The Badger can accommodate more than 500 passengers and 120 automobiles or 40 commercial buses. Campers, trailers and other recreational vehicles also can be placed on board. The 60-mile trip takes four hours.

To lure passengers, the Badger is being totally refurbished to make it more like a cruise ship than a ferry for hauling railroad cars, as it originally was designed.

The cavernlike lower level, once used primarily for railroad cars, has been paved to accommodate automobiles, buses and trucks. New stairways have been added from the car area up to the ship's lower passenger deck. On this level, a former passenger lounge is being converted into a casual dining area by being expanded toward the rear wheelhouse.

On the same level, 16 staterooms have been replaced by shops, a maritime museum, a television room and a video-game room. In addition, the 44 staterooms remaining have been upgraded. Wheelchair lifts are being added.

On the next level, the upper deck, interior space is being increased. The former dining room is being upgraded to a more formal dining area and is being enlarged by enclosing a former open stern deck, once used for automobiles.

Much of the interior of the 410-foot-long vessel is being painted and carpeted in whites, teals and grays. Even the pilot house has been decked in carpeting—a touch, Capt. Bruce Massie notes, that will make it easier on his feet.

In all, Conrad is pouring $1.2 million into the Badger to shift the image of the car ferry from that of a railroad-car hauler to a service catering to people. The Badger no longer is carrying railroad cars, although Conrad hopes to attract truckers with service during non-peak times.

"What we are going to do this season is offer a coast-to-coast family cruise in four hours," Conrad said. "This will be the best summer operation this ship or port has ever seen."

For Ludington, Conrad's efforts continue a tradition of cross-lake ferry service that began in 1875 when the Flint & Pere Marquette Railway initiated service from Ludington to Sheboygan, Wis. The service expanded and prospered by the turn of the century.

In 1940, the City of Midland was built as the first railroad car ferry to have passenger accommodations on two decks.

Seven years later, the Pere Marquette Railway was acquired by the Chesapeake & Ohio Railroad. By 1952, the Spartan and the Badger were added to the fleet as the largest car ferries ever built, costing $5 million each. The ships were promoted as "The Golden Link" in rail traffic.

But with the advent of diesel locomotives and an expanding interstate highway system, there was less need for rail and passenger traffic. By 1980, Chesapeake & Ohio abandoned service to Milwaukee; two years later, service to Manitowoc ended.

In 1983, the railroad sold the operation to Glen Bowden and George Towns, who formed the Michigan-Wisconsin Transportation Co. Reduced ferry service operated for eight years before the company halted operations and filed for Chapter 11 bankruptcy protection in 1991.

By July, Conrad had negotiated to buy the three vessels and resume cross-lake service by 1992. However, his plans were delayed until Feb. 18, when the U.S. Bankruptcy Court in Grand Rapids approved the sale.

Conrad said his involvement with the car ferries stemmed from his membership on the Ludington Mass Transit Authority, which briefly considered lending state transportation funds to keep the ships running.

When that proposal fell apart, Conrad stepped in.

His effort to revive the ferry has received strong support from Ludington and Manitowoc. Both cities are actively promoting the service through the Mason County Economic Development Alliance and the Lakeshore Development & Visitors Bureau in Manitowoc.

Both states estimate that the cross-lake ferry operation could pump $13 million into Wisconsin and $14 million into Michigan, provided it carries 80,000 passengers this summer. Conrad said 80,000 passengers is a conservative goal, and the operation should not have a problem breaking even.

"We expect to be in the black because this is a very good economic operation," he said. "We have good management and the best crew we could assemble."

Don Clingan, vice president of marketing for Lake Michigan Carferry Service, said he receives hundreds of inquiries a day about the service, and families already are booking reservations.

The cross-lake ferry is just the latest twist in Conrad's successful career, which started with the car ferries in the 1920s. He eventually moved from Ludington in 1937 to work in refrigeration service for a Grand Rapids company.

Four years later, he move to Holland to continue his work in refrigeration before joining Kildhold Manufacturing Co. in Lansing. While there, he learned how to design and manufacture environmental-simulation chambers, used to test aviation equipment.

After the war, Conrad started his own air-conditioning and refrigeration business in Holland, then formed Conrad Inc. to build test chambers for precision aviation parts.

His interest led to the development of a freezer capable of reaching a then unprecedented 250 degrees below zero.

In the early 1960s, he founded Termotron Industries in Holland to build advanced test chambers used with the nation's space program. He sold Thermotron in 1980 and at one time owned four Ludington-area resorts.

"I feel good about what I'm doing here," he said.

I have no trouble sleeping at night because we are going to be successful here."

ROCCO MAGNOTTA HONORED BY WHITE PLAINS CHAPTER OF NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mrs. LOWEY of New York. Mr. Speaker, I am pleased to rise in honor of Rocco Magnotta, who is being honored as Man of the Year by White Plains Chapter No. 1758 of the National Association of Retired Federal Employees. Rocco Magnotta enjoys a special place in the hearts of many in White Plans, and I know they join me in paying tribute to his many contributions to the community.

Rocco Magnotta has lived and served in White Plains his entire life. He worked as an audit clerk for the White Plains City Welfare Department and was director of Retired Letter Carriers. He was the driving force behind the organizing of the White Plains chapter of the National Association of Retired Federal Employees, serving as president, treasurer, legislative chairman, and chief adviser on administrative duties.

Rocco Magnotta has used his energy and talents on behalf of many worthy organizations. He was original organizer of a campaign against cerebral palsy that raised $110,000. He was also original founder of a national campaign to raise funds and awareness of muscular dystrophy. Rocco Magnotta has also brought his commitment to the Sons of Italy, Knights of Columbus, and the Loyal Order of Moose.

Mr. Speaker, I am proud to recognize Rocco Magnotta as Man of the Year. I know that all of White Plains and the many organizations he is a part of have benefited from his good will and dedication. He has indeed touched many, and I know that my colleagues join me in wishing him the best in the years to come.

IN SUPPORT OF THE INTRODUCTION OF THE CASA MALPAIS NATIONAL HISTORIC LANDMARK BILL

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. KOLBE. Mr. Speaker, I am pleased to introduce today legislation to authorize the Interior Department to provide assistance to the Casa Malpais historic landmark in Springerville, AZ.

The Casa Malpais National Historic Landmark is a 14.5-acre archaeological site located near the towns of Springerville and Eager in northeastern Arizona. The site was occupied around A.D. by one of the largest and most sophisticated Mogollon communities in the United States.

Casa Malpais is an extraordinarily rich archaeological site. A large masonry pueblo including stairways, Great Kiva complex, fortification wall, prehistoric trail, catacombs, sacred chambers, and rock panels are just some of the features of this site. Due to its size, condition, and complexity, the site offers an unparalleled opportunity to study ancient society in the southwest and, as such, is of national significance.

This legislation would establish the Casa Malpais National Historic Landmark as an affiliated unit of the National Park Service. Affiliated status would authorize the resources and protection necessary to preserve this treasure. As a member of the family of affiliated national landmarks, the public would also have greater exposure to the Casa Malpais site.

The local communities support this legislation. The town of Springerville is in the process of obtaining the property from the State of Arizona and it has expended $100,000 to investigate, interpret, and protect the site. Local officials have also taken steps to ensure that all research and development of the site is conducted in consultation with affiliated local native American tribes.

I ask my colleagues to support this measure. It will enhance the landmark's attributes for the enjoyment and education of local communities, the State, and the Nation. By supporting this measure, we can help open this unique window of history through which we can study and learn of our rich heritage.

INTRODUCTION OF THE DEFENSE ECONOMIC ADJUSTMENT CONVERSION AND REINVESTMENT ACT OF 1992

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Ms. OAKAR. Mr. Speaker, I rise today to introduce the Defense Economic Adjustment, Conversion, and Reinvestment Act of 1992, and ask that it be referred to the appropriate committees.

The bill proposes to build upon the framework enacted in 1990 to systematically address the problems of economic transition resulting from current and future reductions in the U.S. defense budget in ways that will maximize the benefits to this economy in both the short term and the long term.

A section-by-section analysis follows my remarks, and I would like to invite all interested Members to cosponsor this worthwhile bill and to work for its enactment:

SUMMARY OF THE LEGISLATION

This 1992 proposal follows the pattern of the 1990 defense conversion bill that was enacted as division D (sections 4001 through 4304) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 510 of the 101st Congress).

The previous bill created a governmental mechanism to deal, at an early stage, with the problems and opportunities presented by the largest military and defense budget retrenchment since World War II. To accomplish this objective, the legislation authorized, for 1991, the modest sum of $200 million—as a down payment—to help communities, workers, and businesses make the transition to more peace-oriented activities.

This 1992 bill is intended to create a long-term, 5-year program, so economic conversion and readjustment can be addressed on a rationale basis. The long term nature of this authorization proposal has further advantages. It not scorable for budget purposes, because it is not an appropriation. It need not violate any element of the 1990 Budget Summit Agreement, because the walls between defense and non-defense expenditures are scheduled under the agreement to be eliminated in 1993, and there would be five years to accomplish the goals of this program.

The level of expenditure recommended by this bill is in accordance with the House version budget resolution for fiscal year 1993 (House Concurrent Resolution 287; House Report 102-450), which allocates the sum of $2.956 to economic conversion purposes (see Economic Conversion Table, pages 232-233). Support for this sum is found in the recommendations for a $3.1 program made to the House Budget Committee by the House majority leader (Mr. Gephardt) on February 10 and 14, 1992, and my own testimony to that committee on February 19th and follow up memorandum of March 2, 1992.

The highlights of the bill are as follows:

Communities: $50 million would be provided to cities and towns through the Economic Development Administration of the Department of Commerce to assist communities to adjust to 120 projected base closings and 107 partial closings and realignments.

Work force: $1 billion would be authorized to help workers, scientists, engineers, and technicians displaced, and threatened with imminent displacement, by the defense build-down. The Congressional Budget Office predicts that 1 million people will be displaced from the defense establishment by 1995, and the Congressional Office of Technology Assessment estimates that the layoffs may reach 2½ million over the next decade.

This program would emphasize reeducation and retraining in areas where job openings already exist (such as machining and tooling, civil and environmental engineering, math and science education, construction) or emerging industries where new positions are being created.

It would utilize innovative techniques pioneered by the private sector, such as the successful "Skills Conversion Program" of the 1970's developed by the National Society of Professional Engineers, the combined Apprenticeship-Community College Degree Program developed by the National Tooling and Machine Association, and the Worker Assistance Center sponsored by the General Electric Company and its unions. It would seek to utilize the resources and skills of the private sector, especially the unions, and would concentrate on reaching affected workers and technicians before they are discharged so that possibilities of a smooth transition to other employment are maximized.

Industry: In recognition of the fact that approximately $87 billion in defense contracts will be canceled or curtailed over the next 5 years, the bill would create a $1 billion industrial transition fund that would be divided in two parts. Half of the fund ($500 million) would underwrite and guarantee loans to assist defense contractors transition to more peace-oriented products, processes, and services for both domestic and international markets. Similar authority exists under the Trade Adjustment Act. These resources are believed to support at least $5 billion in such loans. The other half of the fund would be targeted to a spectrum of infrastructure projects that would directly support economic transition by such companies.

Exports: To take advantage of the unprecedented opportunities unfolding overseas in this decade, the bill contains a $200 million package of supplementary resources for American companies through existing institutions such as the Export-Import Bank, the A.I.D. Program and the International Financial Institutions to provide front-end help in building American exports of projects, products, and services.

Small Business: The balance of the $3 billion would be devoted to substantially supplementing existing Small Business Administration programs of business loans, community development corporation loans, venture capital, and small business innovation grants. Small firms, which are agile at innovating new products and services, are one of society's primary adjustment mechanisms. S.A.B. reports have documented that small business create more than half of all the jobs in our economy, and during recessions, such as now, when large corporations often cut back employment, the percentage of job creating by small firms can reach 80 or 100 percent.

In this area, we are cooperating with Representative LaFalce's Small Business Committee, which has approved an authorization bill this year (H.R. 4111), which could accomplish many of the objectives of this bill in the small business field.

FUNDING CONSIDERATIONS

With the 1990 legislation as a $200 million precedent, this bill would also be funded by dollar-for-dollar reductions in the Defense Department budget, as a direct peace dividend.

The 1992 bill provides explicit authority for the funds authorized this year to be transferred through the Defense Department budget to the appropriate civilian agencies, as in the 1990 statute, along the lines set forth in the Riegle amendment to this year's defense appropriations bill. Such a provision would remove all doubt about congressional intention to have the funds for the Economic Conversion Program deployed and spent, and is needed in answer to the very real roadblocks thrown up by the Bush administration to this program.

REESTABLISHING THE CIVILIAN CHARACTER OF THE ECONOMY

During the cold war, the U.S. military establishment, including the defense industrial

base, grew in size and importance relative to the civilian economy. For example, the allocation of Federal research funds, had been maintained at about half for defense and half for civilian purposes for many years. During the 1980s, however, the proportion swung to ⅔ military and ⅓ civilian, and the allocation currently is about 60 percent military and 40 percent civilian. Now that the superpower threat has receeded, it seems to me that the country ought to revert to at least a 50-50 division of these Federal funds, so that pressing civilian R&D needs are addressed. I will soon introduce a congressional resolution to that effect.

Overall, I take a back seat to no Member in advocating an iron strength for U.S. armed forces and the supporting defense industrial base. My four years of work in modernizing the pending Defense Production Act is testimony to my dedication to these goals.

However, we were also warned at the time of the revolutionary war about maintaining large standing armies in time of peace. Forty years ago, President, Eisenhower, also a distinguished former military commander, warned us about the dangers of overemphasizing the military-industrial complex. Now that the Warsaw pact has dissolved, it is my feeling that the previous balance in our economy be restored, and that we avoid the temptation of using the military, in the extreme, as a welfare program. Taking up the tools and programs of economic conversion, adjustment and reinvestment can be the antidote to such temptations, which would be corrosive of our national values and hazardous to our long-term economic health.

There is certainly plenty of room to develop and programs that adapt defense industrial and scientific objectives for dual military and civilian purposes. I have supported such initiatives in the past—for example, last year's Defense Advance Manufacturing Program—and expect to support such efforts in the future. However, I also believe there should be purely civilian-oriented initiatives in any defense conversion program, and that the major thrust of such a program should be to recycle the prime community, personnel, and business assets not currently required by the Defense Department to meet the vital economic needs of the American people.

Such an emphasis also makes clear to the world the traditional American interests in peaceful, democratic, and market-oriented policies elsewhere in the world, and enhances American capabilities to participate in and shape these developments.

SIZE OF THE DEFENSE BUDGET

According to the President's Council of Economic Advisors, defense expenditures in fiscal year 1992 are estimated at $311.5 billion, of which $299.3 will be in the Department of Defense ("Economic Indicators," C.E.A., December 1991, page 33).

Proposals for reducing this sum range from the President's figure of $50 billion ($10 billion per year for 5 years)—to $210 billion ($30 billion per year for 7 years), made by some Members of the Senate.

The cutbacks in personnel, base structure, and defense contracts that I have outlined are certain to have major consequences for communities, workers, and businesses in every corner of this country.

IMPACT OF DEFENSE BUDGET REDUCTIONS MAGNIFIED BY THE RECESSION

These massive reductions are piling atop an economy that is deeply into recession, unemployment, and structural problems in dealing with the new and fierce global competition that is already claiming almost one-third of the U.S. automobile market and virtually 100 percent of some electronics markets.

Since June, 1990, when the current recession began, unemployment has increased by 2.68 million (from 6.56 million in June '90 to 9.24 million in Feb. '92). Long-term unemployment (15 weeks or more) has more than tripled, from 1 million to 3.2 million (see "Economic Indicators," Dec. 1991, page 11 and Feb. 1992, page 11). GM is closing 21 plants and laying off 74,000 people.

HOW ECONOMIC CONVERSION LEGISLATION CAN HELP

But, the bright side of defense reductions is that the resources involved can, if intelligently managed, be shifted to more productive civilian pursuits. The benefits of such economic adjustment, conversion, and/or reinvestment can be huge and measurable because the military properties and facilities, the companies, with their state-of-the-art equipment and expert managements, and the scientific, technical, and highly skilled production personnel constitute some of the richest crown jewels of our economy. With wise policies, these top-of-the-line resources have a powerful potential to preserve and produce jobs.

One concrete example is infrastructure reinvestment. A June 1990 sophisticated study by the American Road and Transportation Builders Association found that an increased investment of $25 billion per year in physical infrastructure would raise labor productivity by one-half percent (a 23% increase) in ten years and would increase corporate profits by $10 billion per year within 5 years and almost $30 billion within 20 years. This potential is beyond the short-term and long-term job creation potential of such investment. Such benefits provide additional support for the infrastructure elements of the bill being introduced today.

Another example, that demonstrates the wide benefits of active programs of Economic Adjustment/Conversion/Reinvestment, is a Defense Department report on 100 bases that were converted to civilian uses over a 25 year period ("Twenty Five Years of Civilian Reuse [1961-1986]"). Employment at these facilities was 48 percent higher than when they were used for military purposes.

Another excellent example is the "Skills Conversion Program," which the National Society of Professional Engineers developed under a $2 million Department of Labor contract in the early 1970s. The society surveyed prospects for job creation for technical personnel across the country in such fields as heavy and light construction, environmental protection, energy, health and medicine, oceanography, security, and criminal justice. After estimating where 54,000 jobs were likely to be created in the next three years, the group designed courses to qualify people for these jobs. The results were that, during the time the program was allowed to operate, virtually all who were enrolled were rehired before the courses were completed.

The National Tooling and Machining Association has created several apprenticeship programs, including one joined to a community college associates degree, that is operating in Rhode Island and Maryland. This combination has proved very effective in training people for existing jobs that are vacant because appropriately trained people cannot now be found.

TRANSITIONAL NATURE OF PROGRAMS

These successes prove that well managed economic adjustment/conversion/reinvestment programs can be workable, temporary, and highly cost-effective. They can ease the transition of facilities, businesses and workers from one productive use to another, and often to a higher level of productivity. This is just what our Nation needs to become more competitive.

RECORD OF CONGRESS ON THESE ISSUES IS COMMENDABLE

Congress can be proud of its record of actually establishing such a program as a part of the defense build-down process. Hearings were held in 1988, 1989, and 1990 in the Subcommittee on Economic Stabilization of the House Banking Committee, which I had the privilege of chairing during those years. The bills offered by such leaders as Representatives Gejdenson, Mavroules, and Weiss were combined with my own proposals and emerged as our comprehensive bill (H.R. 3999).

These proposals were the basis for the legislation enacted into law in 1990 as division D of Public Law 101-510, authorizing $200 million for the economic adjustment process. The Appropriation Committees of Congress immediately funded this effort in full (Public Law 101-511). In 1991, bills were introduced in both the House and the Senate to make defense adjustment a multi-year program (H.R. 2366 [Representative Oakar] and S. 1317 [Senator Pell]).

These efforts set the stage for the 1992 effort in which the chair of the House Armed Services Committee (Representative Aspin) is playing such a prominent part. A commendation, very much in order, is for the House majority leader (Mr. Gephardt) who has exercised leadership in the true sense by his vision, his frequent testimony, his general encouragement, and his active and consistent efforts to promote consensus on legislation in this area.

RECORD OF THE PRESIDENT IS ALMOST NONEXISTENT

In striking contrast, this administration has done virtually nothing to address the issues of economic transition, which is bad enough this for area of historic opportunity. What is even worse, they have frustrated the efforts undertaken by Congress.

For nearly a year, the administration refused to spend any of the money appropriated in 1990 by Congress. Finally, the Labor Department agreed to take delivery of the $150 million allocated to retraining, but we understand they have actually spent less than $10 million of this amount. The Commerce Department still refuses to use its appropriation of $50 million, even though Senator Riegle's amendment this year explicitly authorized and directed the department to do so.

THE ISSUE OF ECONOMIC JUSTICE

It is sad that a year and a half has gone by since Congress acted in this urgent matter, this do-little administration has done so little to react to the problems.

Unfortunately, the President has not chosen to become involved. If he were, the problems I described with the Cabinet departments could have been resolved with a couple of one-minute telephone calls. I have always thought that was the job we elected the President to do. What should we say about a President who chooses to remain uninvolved with one of the most important economic issues of this decade and, indeed, this generation?

From the time the Iron Curtain descended across Europe to the end of the cold war—a conclusion which promises a better life for all concerned—was a period of over 40 years. A generation of Americans, literally, de-

voted their efforts to maintaining this Nation's military and industrial strength to provide time for peoples of the world to judge, and reject, the Communist experiment. Are we now going to throw the cold war heroes out in the cold?

CONGRESS SHOULD ENACT THIS PROGRAM

We have a historic opportunity of building on the framework of the 1990 economic adjustment legislation, which provides for using the President's committee to coordinate a systematic attack on transition problems by the already existing departments and agencies of government. This framework already provides for coordination, oversight, and reporting mechanisms. The framework already mobilizes the experience our government has accumulated in economic development matters since the 1930s.

What is being recommended now is that we match the resources to the size and length and difficulty of the defense build-down process, by shifting one percent—a tiny fraction of the defense budget—to these adjustment and reinvestment mechanisms.

Funds invested to help our communities, workers, professionals, industries and businesses will not only alleviate human distress, but it will assist more rapid transitiony to a more productive, more competitive American economy.

The Congress, in its wisdom, will weigh these proposals and many others en route to its final decisions on the legislative program for this year and future years. In my opinion, the Defense Economic Adjustment/Reinvestment Program is among the most promising in terms of multiple and multiplying benefits of pay-back in new jobs, new businesses, new uses for prime resources. In my judgment, this program will generate new revenues that would reduce the net costs of this and other government programs.

Because of this extraordinary promise, I strongly recommend such an economic adjustment program and hope that Congress will continue its enviable record of responsibility in this area by enacting it in appropriate scope and detail.

CONGRATULATIONS TO UNIVERSITY HIGH SCHOOL PIONEERS

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. EWING. Mr. Speaker, I wish to congratulate the members of the University High School varsity basketball team in Normal, IL, for their commitment and dedication. This year the U-High Pioneers were cochampions of the Corn Belt Conference and runner-up in the class A State tournament. They had 29 wins and only 4 losses.

These young men have worked long and hard, and I know that their friends and families are very proud of them. I am proud of them too. In a time when we hear of so many problems among youngsters in America, the U-High Pioneers are indeed a breath of fresh air.

I wish to congratulate the entire team and commend Pioneer head coach, Cal Hubbard, for his fine leadership.

H.R. 3681—DEMOCRACY DAY

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. WYDEN. Mr. Speaker, voter turnout in this Nation is plunging to record lows. In 1990, only 36.4 percent of the eligible population voted—the lowest turnout for an off year election since 1942. According to the Committee for the Study of the American Electorate, voter turnout in the primaries held so far has fallen 11.8 percent from 1988.

With broad, bipartisan support from Members of this body, I have introduced legislation designed to help buck the trend of low voter participation.

H.R. 3681 would make election day every 2 years a legal holiday called Democracy Day. Although it will be a legal holiday, Democracy Day is not a paid, no-work day. You cannot put a price tag on democracy; it is worth far more than a day's pay. Additionally, there is no evidence that Americans want a paid holiday as a precondition to voting.

There is some evidence, however, to suggest that one of the largest barriers to voting is the busy daily schedule of the American people. The demands of home, work and family life often make it extraordinarily difficult to find the time to make it to the polls to vote and get objective information about candidates.

The Oregon chapter of the National Federation of Independent Businesses has responded to this challenge. In observance of Democracy Day, the Oregon chapter of the NFIB is asking its members to give their employees who need it an extra hour or two off to vote. It is a simple action that could have a significant impact for millions of Americans who work for small businesses, if the impressive work of the Oregon NFIB can be duplicated in communities across the country.

This is just one of the initiatives that organizations including the National PTA, the Veterans of Foreign Wars, and the Secretaries of State Association will undertake to make Democracy Day a success.

I hope the Members will consider the following letter endorsing Democracy Day when the legislation comes before this body for a vote:

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, May 1, 1992.

Hon. RON WYDEN,
House of Representatives, Washington, DC.

DEAR RON: The ability to vote in free elections in order to change or retain government representation is one of the greatest rights and greatest privileges that any citizen can possess. It is also a responsibility that we too often take for granted. As successful business owners, NFIB members have a deep commitment to keeping America economically and politically strong.

H.R. 3681, legislation introduced by Congressman Ron Wyden, can play a role in encouraging participation in elections and the democratic process to ensure that the rights we possess today are passed on to our children. The right to vote is particularly important to small business owners who have made sacrifices in an attempt to achieve the American dream.

Democracy Day provides a positive avenue to encourage representation that is truly "of the people and by the people." This day promotes greater awareness of voting procedures and encourages activism on the part of every American.

If you are interested in becoming a cosponsor of this legislation or need additional information, please contact Joan McCarter in Congressman Ron Wyden's office at 225-4811.

Sincerely,

JOHN J. MOTLEY III,
Vice President,
Federal Governmental Relations.

THE ASSOCIATION FOR EQUALITY AND EXCELLENCE IN EDUCATION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mrs. LOWEY of New York. Mr. Speaker, I rise today to pay tribute to the Association for Equality and Excellence in Education [AEEE]. For 15 years, AEEE has supported those who work in TRIO and other educational opportunity programs in the New York-New Jersey area. AEEE represents individuals who give of themselves day in and day out providing vital support to disadvantaged students at the post-secondary level. Without a doubt, their energies are making an important difference in the lives of innumerable young people and of our entire Nation.

These professionals, employed in educational opportunity centers, student support services, Talent Research, Upward Bound, and other educational opportunity programs in the New York area, give tirelessly for themselves to ensure access to higher education for disadvantaged youths. Their guidance and direction has been instrumental in influencing in a very positive way the course of many lives.

In times of economic difficulty it is particularly important that our young people be encouraged to pursue opportunities that will enhance their potential for success. AEEE is there to provide that support. Through services such as educational and financial aid counseling, tutoring, cultural activities, and career counseling, TRIO programs reach out and pull up low-income youth. As we face new challenges in the global marketplace, our Nation's competitiveness will increasingly depend on our ability to train and educate our youth. Statistics show that our low-income youth represent an important, largely untapped resource that hold the potential for making an enormous contribution to our national productivity. AEEE professionals are critical to tapping that resource to benefit all of us.

AEEE provides important support through development workshops, conferences, student scholarships, and advocacy for TRIO programs. This work can indeed make a critical difference in the lives of those served by these programs. It has been my privilege in the Congress to be able to work to ensure that, in a time of severe budgetary constraints, the TRIO programs are able to continue operating. I commit to you that I will continue to work for that critical funding and to remove the budget firewalls which are preventing the redirection of funds from the defense budget to important

domestic priorities such as the TRIO program. Thousands of students have benefited from the commitment and expertise of these professionals, and I know that they join me in honoring AEEE and its important work. I am proud to salute AEEE and I look forward to continuing to work together to enhance educational excellence and opportunity.

HATS OFF TO PEORIA, IL, BARBER, BOB SECRETAN

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. MICHEL. Mr. Speaker, I would like to bring to the attention of our colleagues one of my constituents Bob Secretan.

Bob is an 88-year-old barber at Bob's Barbershop. Bob, at one time, had a disease called Paget's and now has arthritis, but don't think this affects his ability to cut hair. As Bob says, his legs are not so strong any more but his legs do not cut hair.

He graduated from barber college in Peoria in 1931 and says he'll probably be a barber 40 to 50 more years. I say more power to him.

At this time I would like to insert into the RECORD an article by Jo Ann Newberg from the Peoria Journal Star, "Barber, 88: I'm Still Standing."

BARBER, 88: I'M STILL STANDING

(By Jo Ann Newberg)

WASHINGTON.—Bob Secretan, 88-year-old proprietor of Bob's Barbershop, 118 N. Main St., says his legs aren't so good any more.

"But then I don't cut hair with my legs," he says with a grin. "I should have a stool. I could get around better. I can stand behind the chair, but I have to have a cane to walk. I had Paget's disease, and now I have arthritis."

When he was treated for Paget's, a bone disorder characterized by enlargement and bowing of limbs, doctors said he had the worst case they had ever seen, according to Secretan.

"They worked with my blood and now I'm cured of that, but I got arthritis so bad I could've cried," he said.

Standing behind his barber chair, he demonstrates how he props his arms on the back of the chair for support when cutting hair.

"I graduated from barber college in Peoria in 1931," he says. "We cut hair there for 40 or 50 cents. I took my state board three times at the old Jefferson Hotel."

Secretan couldn't find work as a barber during the Depression, so he moved to Elgin to work in a watch factory, and barbered on the side. He got laid off in 1938 and returned to central Illinois to look for work.

"In 1938, I started cutting hair in the middle of the block on South Main Street," he said. "There were four grocery stores and two drug stores then. They're all gone now."

But Secretan's memories aren't gone.

He talks non-stop about the two shops he almost bought for around $300, until they were sold right from under him; about renting a shop for $25 a month that had gallon jugs of tonic in the back room, all partly emptied by a previous barber with a drinking problem.

He recalls the fire that burned him out when he had only $375 in insurance. He remembers paying for the first garbage hauling and helping purchase the first Christmas lights on Washington Square. The garbage collector had nine children, and old Dr. Monroe delivered all of them without charge.

"When you went to see the doctor, he would say just leave a dollar or two on your way out. He would give all my kids shots for $2. I would cut his kid's hair after school."

There was Charlie, who helped build his house and sat on his wife's tombstone every day after she died. One fellow wanted his long hair shaved up both sides and the rest left alone. He never came back.

There was the old guy who would look in his window and see two or three customers waiting on a bench. The man would run across the street to the shop of Spike the barber and tell him, "He's got three more of your customers." And Spike would answer, "I'll have to shoot him yet."

With a twinkle in his eye, Secretan says, "I'll probably be a barber another 40 or 50 years."

He quickly amends that statement. "If I'm still on my feet by Labor Day, I'll see what to do. My wife wanted me to retire four years ago."

He and his wife, Estrel, have a son, Terry Lee, a daughter, Debra Young, and three grandchildren.

"We even had a great-granddaughter. She goes all the time," Secretan says. "My son was named after Terry in the cartoon, 'Terry and the Pirates.' He lives in Washington."

The interview over, Secretan climbs back into his barber chair and resumes reading U.S. News and World Report. "You know hair styles have changed. President Bush started out with a tapered neck and now he's had his neck cut round."

CONTROLLING THE CABLE MONOPOLY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. STARK. Mr. Speaker, my constituents are frustrated about cable television—and rightly so. Nearly 500 have signed petitions recently asking for Congress, the FCC, and local governments to work together to allow new, effective competition or to allow for local re-regulation. I agree with them.

The Daily Review of Hayward, CA, in my congressional district recently editorialized on the matter. I recommend it for my colleagues:

CONTROLLING THE CABLE MONOPOLY

Legislation to rein in soaring cable television rates cleared a key House committee last week, giving consumers hope that they might one day obtain relief from rapacious cable companies.

The bill left the House telecommunications subcommittee on a 17–7 vote and is expected to easily win approval in the full House Energy and Commerce Committee in May. Both opponents and proponents of the bill considered the sub-committee the key battleground.

The bill won approval after a weaker version endorsed by the cable industry and the Bush administration was defeated.

The Senate passed a similar bill in January.

The bills require the Federal Communications Commission to establish a formula to fix cable rates that companies can charge for basic service.

There's no question that the cable monopoly must be controlled. Since 1986, when cable was de-regulated, rates have risen at three times the rates of inflation.

Consumers in many areas, such as the San Ramon and Livermore valleys, cannot receive most television reception without cable. Many subdivisions were wired for cable when they were built and contain deed restrictions that forbid visible antennae. Rabbit ears just don't work.

The House needs to push the bill through and work out a suitable bill with the Senate version in the conference committee.

The president doesn't like the bill but, with an election looming in November, Bush could be hard-pressed to ignore the voting cable customers in favor of the companies that enjoy monopolies. We'd like to see the president have to make that decision.

Congress should give him the opportunity. Then we hope consumers can get some fair relief.

IN LOVING MEMORY OF SABRIYA IHSAN BAKEWELL

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. DYMALLY. Mr. Speaker, on Saturday, May 2, 1992, I joined hundreds of friends and family members of Mr. and Mrs. Danny Bakewell at St. Elizabeth Catholic Church, Altadena, CA, presided by His Excellency Bishop Carl A. Fisher, Auxiliary Bishop of Los Angeles and Rev. Father Alfred Dean to celebrate the passing of their daughter Sabriya Ihsan Bakewell.

I enter into the RECORD her obituary:

SABRIYA IHSAN BAKEWELL

OBITUARY

Born on March 13, 1975 to Danny and Aline Bakewell, Sabriya Bakewell was the special gift from God, blessing the lives of all who knew her. She was the youngest of three Bakewell children bringing joy, laughter and a free spirited feeling of love to her siblings, parents, relatives and friends. As she grew she began to demonstrate personality characteristics that reflected the essence of her loving parents coupled with her own unique ability to bring a ray of light and happiness to almost any situation.

Like her father, Sabriya was both energetic and athletic. A high school junior at Alverno School in Pasadena, she was a starting member of their varsity volleyball team and a spirited leader. She also possessed a strong sense of herself as a young African American woman with a deep feeling of pride for her heritage. Because she loved herself and who she was, Sabriya was able to love and respect all people, no matter what their ethnic background. She respected and understood the strength and beauty of ethnic diversity. The love and fun she shared with her friends reflected that essence. She was like a goodwill ambassador with a list of friends as diverse in make-up as the United Nations.

Her best friend was her mother who recalls her daughter as being one who was "slow to anger and easy to forgive." Never judgmental, Sabriya was always willing to walk that extra mile, giving people space and freedom to be themselves and treating

them the way she wanted to be treated. Her genuine warmth and concern for the well being of people prompted Sabriya to desire to follow in her mother's professional footsteps and someday become an attorney.

She was also an extremely fun loving and creative person who loved to dance and play sports, and was always the life of the party. Yet, she used her quiet time wisely to find her inner peace by writing poetry and listening to good music, especially her favorite song, "Beauty and the Beast". But the lesson of her life that we can all learn from was her eternally optimistic presence in troubling times. Her father says, when things were tough or when she had a problem she always took the high road. If there was a 90 percent bad situation, Sabriya would convince you that a 10 percent good was all you needed to pull you through.

Her name was Sabriya Ihsan, Arabic for "patient, performer of good deeds." With her passing on Tuesday, April 28, 1992, the good deeds she gave to us all will be cherished and dearly missed. All those whose lives she touched would confirm, with a smile, that Sabriya Ihsan Bakewell indeed lived out the true meaning of her name. Sabriya is the happiest and kindest person we ever knew.

Sabriya is survived by her parents Danny and Aline Bakewell, her brother Danny, Jr., her sister Brandi Bakewell, grandparents Curtis and Orita Moret, and Marybell Brazile Bakewell and Edward Trepagnier, great uncles and aunts Earl Bakewell, Edward Brazile, Delores Brazile Lewis, Vera Paul, George and Marion Poche, Genieve and Earnest Bastian and Melba Adams, aunts and uncles Pamela Bakewell and Hesham Swify, Joni and Nathan Folse, Curtis and Terese Moret, Jr., Allen and Lauren Moret, cousins Donny, Jamie and Brandon Ihsan Brooks, Fatima Sabriya and Amira Swify, Pamela Mitchell, Megan, Ravan and Ryan Moret, Allison and Nicholas Moret, Melissa and Nathan Folse, Jr., Eric and Paula Brazile, Eric, Jr. and Lauren Brazile, Lawrence Carter, Vernell Bakewell, Calvin and Renaud Poche, Linde Decuir, Rosalind Jones, Hubank, Otto, GiGi, Luke and Lisa Bastian, Rochelle Dominguez, Beatrice Jones, Charles Adams and Susan Thibodeaux, special family Brenda Marsh Mitchell and family, Noel and Karen Foucher.

Our deep sympathy to the Bakewell family. May God bless them, and may Sabriya rest in peace.

NEW YORK CITY COP OF THE MONTH

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. GREEN of New York. Mr. Speaker, I rise today to honor some of the police officers of New York City who have demonstrated exceptional service during the past year. These dedicated individuals have patrolled the streets and watched over our safety every day.

I respectfully salute these heroes from the 9th Precinct New York City Police Department, who in the past year were recognized by being named "Cop of the Month":

July 1991: P.O. Lawrance Shaddin and P.O. Thomas Doyle.

August 1991: P.O. Edwin Murphy and P.O. John Guilford.

September 1991: P.O. Reynaldo Serpa.

October 1991: Sgt. Michael Ahearn and P.O. Peter Mulroy.

November 1991: P.O. Ronald Moore.

December 1991: P.O. Sam Miller.

January 1992: P.O. Scott Watson.

February 1992: P.O. Robert Licari, P.O. Scott Maher, P.O. John McCormick, P.O. Jeffery Daluise, P.O. Howard Roberts, and P.O. Anthony Cassillo.

I am pleased to announce that each of these outstanding individuals will receive a certificate of special congressional recognition.

I should also like to recognize auxiliary police officers Harry Medina and Nelson Sepulvada for receiving special awards from the 9th Precinct New York City Auxiliary Police Department. These individuals will receive a Certificate of Appreciation.

I send my regards to Capt. Thomas Foley and the bag pipers of the New York City Housing Authority Police Department for their work in parades and other public displays. Their efforts have brightened the day of many people.

I join my colleagues in thanking all of these honorees for their dedication to law enforcement.

CONGRATULATIONS TO CRESCENT-IROQUOIS GOLDEN GIRLS

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. EWING. Mr. Speaker, I wish to congratulate the 1991–92 Crescent-Iroquois Community High School varsity girl's basketball team for their extraordinary achievements.

Crescent-Iroquois is a very small high school of less than 100 students but their Golden Girls, as they are known, proved to be one of the very best teams in our State of Illinois. Last season the Golden Girls won fourth place in the Girl's Class A State Tournament and were the Iroquois Conference Champions.

These young women have worked long and hard to rise to the top, and I commend each and every one of them for their determination and their dedication to excellence. In a time when we hear of so many problems facing young Americans, the Golden Girls are indeed a breath of fresh air.

I am very proud of the Crescent-Iroquois Golden Girls and wish to commend each of them individually: Kim Bohlmann; Mandi Yates; Katie Brown; Melissa Yates; Gretchen Brazel; Marlene Garrett; Sarah Erwin; Lisa Garrett; Kristine Freeman; Tiffany Salmon; Monica Yates; Faith Munsterman; Julie Storm; Shannon Hunt, and Suzanne Gocken. Congratulations also go to coach Hanna Meyer, manager Laura Morrical, Minday Peterson, Scott Davies, and Jackie Lowe.

PEASE LAUDS PROVISIONS IN ROSTENKOWSKI TRADE BILL

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. PEASE. Mr. Speaker, I would like to commend Chairman ROSTENKOWSKI for the introduction today of an important new trade bill and express my gratitude for his inclusion of provisions from H.R. 3272. This is a measure which I introduced during the first session of the 102d Congress because of the need I and many others identified for adjustment and fine-tuning of U.S. trade laws on antidumping and countervailing duties.

I would also like to underscore the importance of the language in Mr. ROSTENKOWSKI's bill regarding the dumping and countervailing duty codes being negotiated in the Uruguay round. It is certainly the sense of this Member of Congress that the United States should not agree to any international dumping and subsidies rules that would undermine our own statutes in this area or interfere with our ability to fully enforce such domestic codes.

TRIBUTE TO ARTHUR J. HEDGE, JR.

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mrs. LOWEY of New York. Mr. Speaker, it is my great pleasure to rise to honor Arthur J. Hedge, Jr., chairman of the board of directors of White Plains Hospital Center. I know that I join many others in paying tribute to this special man who has served as chairman of the board since 1987. In that capacity, he has brought his unique qualities to bear on the character and scope of that important medical institution.

White Plains Hospital Center serves a critical role in the life and well-being of Westchester County. We are indebted to Art Hedge for his years of service to the hospital and the community which relies on its services. Through his leadership, the White Plains Hospital Center has enhanced its position in the community. Art Hedge has consistently worked to improve the hospital's service to its patients. In doing so, he has made new technology and procedures available to White Plains community. His unflagging work to respond effectively to the health care needs of those served by the hospital has been an important contribution at a time when we are struggling to meet the critical health care needs of our Nation.

Art Hedge has also used his abilities to serve Westchester more broadly. He is vice president of the board of the Westchester County Association, chairman of the board of the American Festival Theater, and a member of the board of the Council of the Arts in Westchester and the Connecticut Business and Industry Association.

Mr. Speaker, Art Hedge has brought his talent and commitment to many worthy organiza-

tions in Westchester and, in the process, has left an indelible mark on the life of our county. I know my colleagues join me in honoring him for his tremendous contributions to the White Plains Hospital Center and his tireless service to the community.

MADISON'S REVENGE

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. PICKLE. Mr. Speaker, today, May 7, 1992, is a very historic day for our Nation. Earlier this day, the Legislature of the State of Michigan became the 38th, and therefore determinative, State to ratify the Congressional Compensation Amendment of 1789 to the U.S. Constitution. This is the constitutional amendment written by James Madison in 1789 and which was intended to have been a part of the original Bill of Rights. The constitutional amendment reads specifically: "Article the second * * * No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened." Simply stated, this means that the 102d Congress cannot raise the salary for its own Members—but, rather, may decide the level of compensation for the 103d Congress and so forth. The Texas Legislature became the 32d State to approve the amendment on May 25, 1989. My constituent Gregory D. Watson of Austin, TX, has been contacting State legislators around the country since 1982 seeking ratification of this 202-year-old measure, efforts which have yielded the ultimate dividend today.

Mr. Speaker, I would like to insert into the CONGRESSIONAL RECORD an article which appears in today's issue of the Austin American-Statesman, a newspaper in Texas' 10th Congressional District and ask that it appear at the conclusion of my remarks.

[From the Austin American-Statesman, May 7, 1992]

MADISON'S REVENGE: 202-YEAR-OLD PLAN RISES FROM ITS GRAVE TO HAUNT CONGRESS

WASHINGTON.—It's taken 202 years, but James Madison, the fourth president and one of America's revered founding fathers, is about to make life miserable for Congress.

An amendment he proposed in 1789 to curb Congress' penchant for granting itself midterm pay raises is likely to be ratified this week by enough states to become part of the Constitution.

If the amendment is ratified, members of Congress would have to stand for re-election before they could collect the raises they vote for themselves.

New Jersey and Michigan are in a race to become the 38th state to ratify the amendment—enough states to put it over the top.

That would mark a personal victory for Gregory Watson, a legislative aide to Texas state Rep. Ric Williamson, D-Weatherford. Watson discovered the long-unratified measure 10 years ago while working on a college paper and has since spearheaded the drive to get the clause enacted.

"He is, of course, ecstatic," Williamson said of Watson. "He's one step away from doing what no one could do for 200 years."

Texas ratified the amendment in 1989, the 32nd state to do so.

Madison's amendment reads, simply: "No law varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened."

Madison argued that there was "a seeming indecorum" in the power to raise one's own pay.

The very first Congress agreed, sending Madison's amendment to the states on Sept. 25, 1789, along with 11 others.

The other 10 amendments—the Bill of Rights—were ratified in a little more than two years. But Madison's pay-raise prohibition has languished all this time.

Until this week, it was three states short of the needed three-fourths.

But Alabama and Missouri ratified it Tuesday. It passed the Illinois House on Wednesday and that state's Senate will probably vote next week. The amendment also was on today's legislative agenda in New Jersey, and supporters in Michigan were trying to make it the clinching state.

But doubts remain about whether the amendment is so old that it's a legal dead letter—whether ratification, by many states that didn't even exist in Madison's time, will count.

Many believe it will. "Within a week we may have this wrapped up and on its way," said U.S. Rep. John Boehner, R-Ohio, who helped revive the amendment. "It's a hot issue. Anything dealing with reform is hot."

"Enacting the Madison amendment would take away the ultimate congressional perk—the ability of members of Congress to vote themselves a pay raise without first asking their employers, the people who elected them," said U.S. Rep. Dick Zimmer, R-N.J., who tried to get the amendment ratified when he was in his state's legislature.

The fresh drive for ratification became a "class project" for 35 of Congress' 43 freshmen last year.

They tapped into outrage over the Senate's late-night decision to boost its salary to $125,100—the same as House members already were getting.

Soon after that came the House banking scandal and allegations of cocaine dealing and other misdeeds at the House post office. Changing the way Congress handles its business became a front-burner issue.

"I'm sure that the mood in the country helped speed this proposal through those two legislatures," Boehner said after the Alabama and Missouri actions.

Now Boehner, Zimmer and the other freshmen lawmakers are scrambling for constitutional research to support their belief that the amendment is old but not moot.

The U.S. Supreme Court has said previously that it's up to Congress to decide the deadlines for states to ratify constitutional amendments. For example, the Equal Rights Amendment was given a 10-year window of ratification. But no deadline was set for ratification of the pay-raise amendment.

But twice, in 1921 and 1939, the Supreme Court suggested there should be some limit involved. What the current court might do, presuming some challenge to the Madison amendment, is anybody's guess.

The Congressional Research Service examined the question and found good arguments on both sides. It reached this rather obvious conclusion:

"If 38 states ratify this amendment, Congress may be faced with a controversial issue."

The issue would go first to the chief of the National Archives, Don Wilson. He could either delay promulgating the amendment while seeking guidance from Congress, issue a conditional certificate of ratification or issue a final certificate proclaiming the amendment ratified.

Then, if Congress chose to ignore the amendment, the dispute would go to the Supreme Court. Any others, regardless of what Congress might do, also could raise challenges on either side.

Boehner said Wednesday: "If the issue does come here (to Congress), I think it'll be a battle."

PITTSBURGH U.S. COAST GUARD RESERVE UNIT NAMED AMERICA'S MOST OUTSTANDING UNIT

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. COYNE. Mr. Speaker, I want to take this opportunity to congratulate the members of the Pittsburgh U.S. Coast Guard Reserve unit for the selection of their unit as America's Most Outstanding Coast Guard Reserve Unit.

At the beginning of this year, the U.S. Coast Reserve unit in Pittsburgh, PA, was honored as the most outstanding Coast Guard Reserve unit in the Nation for fiscal year 1991 by the Reserve Officers' Association. The award was presented at a formal reception held at the Reserve Officers' Association Headquarters, the Minuteman Building, in Washington, DC, by Adm. J. William Kime, Coast Guard Commandant, to Comdr. Jon W. Minor of North Versailles, PA.

The Pittsburgh Coast Guard Reserve unit was selected for this honor in recognition of its outstanding efforts to provide the training and support needed by the modern citizen sailor. The Pittsburgh unit, currently numbering 93 members, has shown its commitment to activities which enhance readiness and performance in support of regular Coast Guard missions. This unit has also exhibited a dedication to public and community oriented activities which make the Coast Guard Reserve an esteemed part of the Pittsburgh community.

Coast Guard Reserve members in Pittsburgh support a large number of regular Coast Guard units in the area, including the Pittsburgh Marine Safety Office, which provides river safety, environmental protection, port security, and regatta support. Other members also work in conjunction with the Coast Guard Cutter Osage in Sewickley, PA, to maintain the lights and markers which serve as aids to navigation on the busy waterways of the Allegheny, Monongahela, and Ohio Rivers. Reserve unit members also support the recruiting efforts of Coast Guard staff in the North Hills of Pittsburgh. In addition, unit members staff the Coast Guard office in Pittsburgh on the weekends.

Specializing in port security, members of the Pittsburgh unit have had many opportunities to put their skills to work on behalf of our country. During the war in the gulf, six members of the Pittsburgh Coast Guard Reserve unit served in Operation Desert Storm, and one member participated in Operation Desert Shield.

The selection of the Pittsburgh Coast Guard Reserve unit as America's most outstanding

unit reflects the hard work and professionalism of local unit members. It is worth noting that the Pittsburgh unit was selected for this honor from among 251 Coast Guard Reserve units competing.

Mr. Speaker, I am proud to represent many of the members of the Pittsburgh Coast Guard Reserve unit and I commend them all for their dedication to service.

HARTFORD STUDENTS RALLY AGAINST RODNEY KING CASE

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mrs. KENNELLY. Mr. Speaker, on Friday, May 1, I was at my district office in Hartford, CT. From my window I could see a large group of young people coming down Main Street heading for city hall.

I decided to join them and walked with them the rest of the way. I want to put into the CONGRESSIONAL RECORD what transpired over the next hour.

The students were from Weaver High School in Hartford. That morning they decided it was imperative for them to rally together at city hall and express their feelings about the decision concerning the Rodney King case.

These students were upset by the decision and they were also upset about the rioting in Los Angeles. They gathered in the hundreds in front of city hall and waited for Mayor Carrie Perry and other officials to come out and meet them. Microphones were set up. The students before leaving Weaver had chosen among themselves who would speak. The following students were among those that gave remarks: Ms. Tchalla Wright, Mr. Jason Paris, Ms. Alisha Lea, Ms. Monique Robinson, and Mr. Donovan Lipscome.

Their statements were thoughtful, forceful, and incredibly well delivered. Everyone listening could clearly understand what they were saying. And those who later saw this gathering on television or heard it on the radio received their message.

Yes, these students could not understand how the jury had come to their decision. They were mad and frustrated, but they were not going to let emotion take over and cause reactions that would only hurt their city of Hartford. Yes, they would march down Main Street. Yes, they would speak with passion to their mayor and the public, but they would not give into emotion in a negative way. They would remember the message of Martin Luther King and demonstrate peacefully.

However, they would not forget. They would go back to school to finish their education. Some would go on to higher education, but they all would be active in their community. They would all work to ensure that people of prejudice did not get elected or appointed to public places where their prejudice could poison the system.

The system had let them down this time, but they were prepared to be part of the active community and help make it work.

After the rally, they returned to school. They had accomplished their purpose for the moment. Hard work lay ahead. I have never been so proud of Hartford's young people. I want all to know about them.

INTRODUCTION OF H.R. 5115, THE MEDICARE BENEFICIARY FINANCIAL PROTECTION ACT

HON. JAMES A. McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. McDERMOTT. Mr. Speaker, Congress has acted in recent years to reform Medicare payment systems, to control program costs, and to improve health care for senior citizens. Among the major reforms is the adoption of a physician fee schedule, designed to simplify payments, control costs, and provide incentives for primary health care.

A major part of physician payment reform involves setting limits on what doctors can charge their Medicare patients. As we restrained the growth of Medicare's payments to physicians, we also limited balance billing of patients above the amounts Medicare approves for payment. These limits are meant to protect patients against physician overcharges resulting from Medicare cost controls.

The billing limits are now being phased in with the fee schedule. This year, physicians may not charge their patients more than 20 percent above the Medicare-approved amount for most services, and next year the limit will be 15 percent over the approved amount. The Physician Payment Review Commission estimates that this limit will reduce balance billing charges by three-fourths.

But current law fails to specify that doctors must refund excess charges. And there is evidence that thousands of senior citizens have been overcharged for Medicare services, in violation of current balance-billing limits. The Health Care Financing Administration sent letters to 8,000 physicians last year about overbilling. It does not appear that doctors have deliberately overcharged their patients. But there has been inadequate understanding and communication about the new limits, among physicians, beneficiaries, Medicare carriers, and within the Health Care Financing Administration itself.

The administration is beginning to take corrective action to inform patients and doctors about the limits on physician charges, but legislation is needed to clarify that beneficiaries are not liable and to require more effective communication about the limits. Therefore I have introduced H.R. 5115, the Medicare Beneficiary Financial Protection Act, to make sure that older Americans get the protection from excess charges that Congress intended them to have. I am honored that Congressmen PETE STARK, JIM MOODY, and BEN CARDIN have joined me in sponsoring this bill.

This legislation is based on the recommendations of the Physician Payment Review Commission. It makes clear that patients are not liable for excess charges, and it requires doctors to refund any overcharge within 30 days of written notification from a patient, carrier, or HCFA. Doctors have a right to contest refund claims.

The act also requires Medicare carriers to monitor compliance with these charge limits on a case-by-case basis and to notify patients and doctors of all overcharges. A doctor who fails to refund an overcharge, or who knowingly and willfully overcharges patients on a repeated basis, can be fined or barred from the Medicare Program.

I hope Congress will enact this bill, but I also hope its refund and sanction provisions will not have to be used. I believe that physicians want to comply with balance billing limits, and that any noncompliance has been the result of misunderstanding and inaccurate information from HCFA and some insurance carriers. But it is important to clarify that beneficiaries are entitled to refunds, and to assure that doctors and patients have adequate notice of the limits. I urge my colleagues to join me in supporting this legislation.

I also encourage my fellow doctors to join the majority of their colleagues in becoming Medicare participating physicians. These physicians receive a higher payment from Medicare if they agree to limit their charges to Medicare-approved amounts. The number and percentage of physicians who participate has increased each year, and I hope this trend will continue. I look forward to working with my colleagues in Congress and the medical community, and with the millions of older Americans who depend on Medicare, to strengthen this essential program and make health care more affordable for all Americans.

SUMMARY OF PROVISIONS OF THE MEDICARE BENEFICIARY FINANCIAL PROTECTION ACT

SECTION 1. Short title.

SEC. 2. Clarifies that Medicare beneficiaries are not liable for physicians' charges in excess of amounts authorized under Medicare physician fee schedule. Requires physicians to refund excess charges to beneficiaries within 30 days. Authorizes civil penalties against physicians who deliberately and repeatedly overcharge beneficiaries, or who fail to make timely refunds.

SEC. 3. Effective in 1993 (when simplified Medicare fee schedule takes effect), requires Medicare to notify beneficiaries and physicians, in writing, of charge limits, any excess charges, and physician's duty to refund excess charges to beneficiary.

SEC. 4. Requires Medicare carriers to monitor compliance with physician charge limits on a case-by-case basis, and to notify physicians with overcharges of the requirement to make refunds.

POTENTIAL AMENDMENTS TO HEALTH INSURANCE MARKET REFORM BILL

Medicare balance billing limits. You are introducing this as a bill, putting teeth into current limits on how much doctors can charge Medicare patients above Medicare-approved levels. There is a bipartisan consensus that this issue should be addressed, and your bill should have broad support. It is a purely Medicare issue, unrelated to private insurance market reform. But Rostenkowski's bill opens the door to such proposals by including some Medicare benefit expansions.

Apply market reforms to "Medigap" Coverage for Disabled. In 1990, legislation required Medigap insurers to offer coverage to anyone, regardless of medical history, for six months after age 65; prohibited premium differences based on health status; and prohibited cancellation or non-renewal based on health status. This reform law, which is now

being implemented by state insurance regulators, does not apply to under-65 disabled Medicare beneficiaries, for whom Medigap has never been available. This amendment would require that anyone who sells Medigap to seniors also sell it to disabled Medicare beneficiaries, but would permit separate premium structures for the elderly and the younger disabled. The amendment would give the disabled on Medicare the same access to Medigap and anti-discrimination protections the 1990 law guarantees to seniors. It would be strongly opposed by the insurance industry. As a practical matter, few disabled Medicare beneficiaries could afford Medigap insurance even with these protections.

"State care." You introduced this bill before our state sunsetted the Basic Health Plan; I have not tried to promote it since then. It is a good proposal to include in an incremental reform bill, though it will probably not have conservative support because it invites states to enact universal coverage with statewide spending caps. Norm Dicks' office has called to suggest that it be included. I do not know how to argue convincingly for state flexibility after our own state has walked away from its most notable innovation.

Preserve State mandates. The Rostenkowski bill requires insurers to offer a Medicare-like package to small groups, and exempts that package from state benefit mandates. An amendment could delete that exemption, thereby letting allowing states require coverage beyond the federally defined package. This would help people with chronic conditions. It would also raise the cost of insurance for all small groups and potentially serve as part of the industry "excuse" for higher rates in the future.

Mental health benefits. The Rostenkowski bill uses Medicare as the model for the standard package insurers would have to offer. Medicare requires a 50% copayment for outpatient mental health services, compared to 20% required for other services. An amendment could reduce the mental health copayment in the private package to 20%. It should have no federal cost if not applied to Medicare itself.

H.R. 5115

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 "Medicare Beneficiary Financial Protection Act of 1992".

SEC. 2. REQUIRING NON-PARTICIPATING PHYSICIANS TO REFUND AMOUNTS PAID IN EXCESS OF LIMITING CHARGES.

(a) IN GENERAL.—Section 1848(g)(1) of the Social Security Act (42 U.S.C. 1395w-4(g)(1)) is amended to read as follows:

"(1) LIMITATION ON ACTUAL CHARGES FOR UNASSIGNED CLAIMS.—

"(A) NO LIABILITY FOR AMOUNTS BILLED IN EXCESS OF LIMITING CHARGES.—No individual enrolled under this part who is furnished physicians' services for which payment is not made on an assignment-related basis under this part (on or after January 1, 1991) may be liable for any amounts billed for such services in excess of the limiting charge described in paragraph (2).

"(B) REFUND OF AMOUNTS PAID IN EXCESS OF LIMITING CHARGES; SANCTIONS.—If a non-participating physician knowingly and willfully bills on a repeated basis for services described in subparagraph (A) an actual charge in excess of the limiting charge described in paragraph (2) or knowingly and willfully fails to refund on a timely basis any payment made by or on behalf of an individual for such services in excess of the limiting charge, the Secretary may apply sanctions against such physician in accordance with section 1842(j)(2).

"(C) TIMELY BASIS FOR REFUNDS.—A refund under subparagraph (B) is considered to be made on a timely basis only if—

"(i) in the case of a physician who does not request reconsideration or seek appeal on a timely basis, the refund is made within 30 days after the date the physician receives notice from the individual, the carrier, or the Secretary of the requirement to provide the refund; or

"(ii) in the case in which such a reconsideration or appeal is taken, the refund is made within 15 days after the date the physician receives notice of an adverse determination on reconsideration or appeal.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to physicians' services provided on or after January 1, 1991.

SEC. 3. NOTICE TO PATIENTS OF LIMITATIONS ON CHARGES AND AVAILABILITY OF REFUNDS.

(a) IN GENERAL.—Section 1848(g) of the Social Security Act (42 U.S.C. 1395w-4(g)) is amended by adding at the end the following new paragraph:

"(8) PROVIDING BENEFICIARIES WITH NOTICE OF LIMITATIONS ON LIABILITY.—With respect to physicians' services furnished on or after January 1, 1993, the Secretary shall provide each individual receiving from a nonparticipating physician services for which payment is not made on an assignment-related basis under this part a written notice describing—

"(A) the amount of the limiting charge applicable to the service (as described in paragraph (2));

"(B) the absence (under paragraph (1)(A)) of any liability of the individual for charges in excess of the limiting charge; and

"(C) the requirement (under paragraph (1)(B)) that the physician refund on a timely basis any amounts paid by the individual for the service in excess of the limiting charge.".

(b) EFFECTIVE DATE.—The amendment made by subsection shall take on the date of the enactment of this Act.

SEC. 4. REQUIRING CARRIERS TO CONDUCT PRE-PAYMENT SCREENING OF SERVICES FURNISHED BY NONPARTICIPATING PHYSICIANS; NOTIFICATION TO PHYSICIANS OF EXCESS CHARGES.

(a) IN GENERAL.—Section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u(b)(3)) is amended—

(1) by striking "and" at the end of subparagraph (G);

(2) by striking "and" at the end of subparagraph (H); and

(3) by inserting after subparagraph (H) the following new subparagraph:

"(I) if it makes payments with respect to physicians' services furnished by nonparticipating physicians—

"(i) to determine prior to making payment for such a service whether the amount charged by the physician for the service exceeds the limiting charge applicable to the service under section 1848(g)(2), and

"(ii) if, pursuant to clause (i), it determines that the amount charged by the physician for the service (in the case of physicians' services furnished on or after January 1, 1993) exceeds such limiting charge, to provide the physician with written notice of the requirement under section 1848(g)(1)(B) that the physician refund on a timely basis any amounts paid by the patient for the service in excess of such limiting charge; and".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

DEMOCRACY IN DUSHANBE (TAJIKISTAN)

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. DELAY. Mr. Speaker, earlier today in Tajikistan, what had been a political standoff turned into a bloody confrontation. Fighters aligned with the Communist President of Tajikistan, Rakhman Nabiyev, battled with opposition forces comprised of prodemocracy intellectuals and Islamic fundamentalists. After the dust cleared, 14 people had died, a state of emergency was in effect, and the Communist president had retreated to the parliament building while his opponents apparently took power in the streets.

Right now, the situation in Tajikistan is highly fluid. Little is known as to whether the Communists will return to full power, if the bloodletting will continue, or if the democratic forces have wrested control.

What we do know is that the forces of democracy must be supported. America cannot stand aside as a nascent democratic group fights to secure power from Communist overlords. Not to declare America's support would be irresponsible and dangerous. More importantly, lack of American action on this matter might encourage the Communists in Tajikistan to fight on, and discourage the forces that have secretly tended the flame of democracy in their hearts for the last 70 years.

Mr. Speaker, today I would like to declare for all the world, and especially for the democratic freedom fighters in Tajikistan to see, that America sends its unrestrained support to the forces of democracy in Dushanbe, and throughout Tajikistan. America is with you.

TRIBUTE TO ALTA RUTH CRITTENDEN

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. HUBBARD. Mr. Speaker, today I rise to pay tribute to my friend Alta Ruth Crittenden of Pilot Oak, KY, who on May 1 celebrated her 100th birthday. I would like to take this opportunity to join with her children, grandchildren, great-grandchildren and great-great-grandchildren, as well as her many friends, in wishing her a very happy 100th birthday.

Born in 1892, Alta Ruth Crittenden was raised in the Pilot Oak area and was married for 60 years to the late Willie A. Crittenden, who died in 1968. She had 10 children, 4 of whom have died. Her surviving children are: Norman Crittenden of Brighton, TN, Howard Crittenden of Henderson, KY, Reba Stewart, Helen Glover and Emily Glover, all of Mayfield, KY, and Mildred Key of Paducah,

KY. To date, Mrs. Crittenden has 18 grandchildren, 35 great-grandchildren, and 10 great-great-grandchildren.

Very few of us are as fortunate as Alta Ruth Crittenden, Mr. Speaker, and I ask you and all of my colleagues to join with me today in congratulating her and in wishing her the very best of everything in her 101st year.

TRIBUTE TO ARTHUR BLACKMAN

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. ATKINS. Mr. Speaker, I rise today to pay tribute to Arthur Blackman who is retiring after more than three decades of public service to the town of Groton, MA.

Mr. Blackman's election to the planning board in 1959 marked the beginning of what was to become an example of civic leadership and dedication of which Groton residents should be very proud.

For over 33 years, Arthur Blackman has played a key role in guiding the town successfully through the many periods of change. He is a rare individual who has consistently given to his community. His list of civic involvements and accomplishments is both long and impressive.

As chairman of the planning board from 1962–63, Arthur's foresight and research was responsible for much of the town's master plan. As a member of the school committee he was a champion of both ethnic and regional diversity among the faculty. He initiated a building program for creating badly needed additional classrooms and started a kindergarten program in town.

As a member of the board of selectmen for the past 4 years, Arthur has dedicated himself to protecting Groton's environment, providing housing for its elderly citizens and planning for the future. As a representative to the solid waste and transfer station committee, he played a key role in facilitating a land purchase which provided for the creation of a transfer and recycling station and a new highway department garage, while at the same time opening up a lot in the center of town for the Groton Commons Elderly Housing. He was also largely responsible for the planning and implementation of a new sewer system in conjunction with the State of Massachusetts and the neighboring town of Pepperell.

Arthur's dedication to his town of Groton has been symbolized by his commitment to its residents. Last year, when it was found there was a ground water contamination problem resulting from a nearby industry, Arthur worked ceaselessly to provide town water to the affected residents and later worked to win a substantial settlement with the company to cover the expenses.

In addition to his numerous achievements in town government, Arthur has contributed significantly through various civic involvements. As a 25-year member of the Groton conservation trust, Arthur has donated 18, beautiful acres of land on Indian Hill, half of which have become a permanent conservation site open to the public which offers a breath-taking view of the regions western mountains. Arthur was the founding member of the Groton Ratepayers Interested in Preserving Equity which brought suit against the Massachusetts Wholesale Electric Co. in an attempt to defend the authority of a town meeting vote. Arthur is also a former president of the Gardner Rotary Club, a trustee of Lawrence Academy for over 20 years, and a member of the Groton Council for Human Rights who in 1965 participated in Dr. Martin Luther King, Jr.'s march on Washington, DC.

Throughout the years, Arthur has displayed great pride in his town; a pride that has been displayed through his eagerness to share the beauty and quaintness of Groton with others. As a member of the Groton housing project, Arthur has been an advocate of affordable housing options. As a member of the friendly town committee, he invited inner-city children to spend time in local homes and experience a taste of country living while also providing Groton residents an opportunity to learn about urban living. Additionally, as a participant in the UNICEF celebration, Arthur has offered an annual invitation for foreign graduate students to visit Groton.

Arthur Blackman is a man who served his country as well as his town. During World War II, he enlisted in the U.S. Army Air Force and served as lieutenant. His ability to speak French, afforded him the opportunity to teach aviation to young French pilots. After the war, Arthur graduated from Harvard University, where he returned to receive a doctorate in education in 1975.

Arthur Blackman has brought much to the town of Groton. Among one of his finer contributions is the gift of music. An avid lover of music himself who studies recorder, he is the founding member of the Groton Music Association which helped bring many esteemed musicians to the Groton School. Among the list of performers was harpsichordist Danny Pinkham, jazz player Willie Ruff, classical guitarist John Williams and cellist Janos Starker.

Mr. Speaker, one only needs to drive through the town of Groton, through its center of beautiful historic buildings, parks, and tree lined roadways to realize the tremendous amount of commitment, dedication, and hard work that has gone into the preservation and planning of this town. Arthur Blackman has for many years provided the insight and leadership that has made the town of Groton such a success. While at the time of Arthur's retirement from town government it is satisfying to look back at his many accomplishments, it is even more gratifying to look forward to his continued involvement in the community.

I congratulate Arthur at this time and wish him, his wife Camilla, and their four children health and happiness in the coming years.

HOW RURAL DEVELOPMENT RELATES TO SMALL BUSINESS

HON. H. MARTIN LANCASTER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. LANCASTER. Mr. Speaker, it is a great pleasure to have hosted a field hearing of the House Small Business Subcommittee on Procurement, Tourism, and Rural Development in my congressional district. The focus of the field hearing was on rural development and how it relates to small business. State Representative Charlie Albertson of North Carolina gave excellent testimony that reflects the state of small business in eastern North Carolina, the needs and challenges to ensure a higher quality of life for our rural citizens. I commend his remarks:

REMARKS OF CHARLIE ALBERTSON

I'd like to welcome everyone here this morning. As a resident of Duplin County and Representative for Duplin and Jones Counties, I am pleased to have this field hearing on rural development being held here in my home county and my home town of Beulaville.

I want to welcome especially—

U.S. Representative Ike Skelton, Chairman of the Subcommittee on Procurement, Tourism, and Rural Development; U.S. Representative Martin Lancaster of North Carolina's 3rd District; U.S. Representative Jim Bilbray of Nevada's 1st District; and Representative Thomas Hardway of North Carolina House.

A special welcome to our panelists and audience, and special thanks to Mr. Ken Kennedy, the principal of East Duplin High School, for hosting this season today.

Today we're going to be talking about many of the needs of Duplin and other rural counties, and many of the things we don't have.

I do want to take this opportunity to make the point that while we have many needs, there are many good things we already have and that we're proud of. One of our greatest assets is our people—we have some of the finest, most hard-working people you'll find in our rural counties of North Carolina.

To my mind, one of our purposes here today is to explore and discuss some ways we can make life a little better for our rural citizens.

I will not pretend to be an expert on the issues before us today about rural development. We have several expert panelists here and I'll leave the particulars to them.

I would, however, like to raise some points about economic development in our rural counties that I hope can be discussed today.

I have three main points or issues I'd like to touch on briefly that I think are important areas of concern. These issues are:

(1) the issue of workforce preparedness;

(2) the issue of available markets for rural businesses and the ability to compete in these markets;

(3) the issue of available financing for small business start-ups and business growth.

WORKFORCE PREPAREDNESS

A main requirement for business growth and economic development is an available and trained workforce. The requirements for education and training are growing: Studies tell us that by the year 2000 the average new job will require 13.5 years of education versus the 12.8 years required today.

Unless we can solve the problem of high illiteracy rates in North Carolina; unless we improve our public education systems; unless we provide the job training desperately needed by our businesses and industries—especially in our rural areas—it will be nearly impossible for us to compete in a growing world economy.

Although we must improve the quality of our public schools, our short-term need is to

provide literacy training for workers and improve job training and retraining programs for rural workers now in—or displaced from—the workforce.

We need to focus attention on programs like Tech Prep; increase our guidance and career development programs; devote attention to community college training programs; and develop more customized and cooperative programs between our schools, businesses, and community colleges.

Many of these programs have had successful beginnings already, but much more is needed. I hope we can discuss this today.

AVAILABLE MARKETS

Even with a trained and available workforce, rural businesses need available markets for their goods and services, and the ability to compete in these markets.

Rural demographics demand new marketing strategies in a time of shrinking populations and increasing competition from the global market.

Duplin County has a population decrease of 2.3 percent in the new Census. Our "best and brightest" are leaving us. Other rural counties are showing similar population trends. A decreasing local population in our rural areas means shrinking local markets for goods and services.

Small business must find new marketing strategies to be successful in the local market, and must learn new strategies to be competitive in large, even international markets. I hope we will hear some ideas today about how to do this.

AVAILABLE FINANCING

Even if we are successful in meeting the requirements for workforce training, and can find available markets for our products and services, our rural counties—perhaps most importantly—need available financing for new business start-ups, and greater investment for the development and growth of existing businesses.

The success of small business is crucial to the economic development of rural North Carolina. Of the 1,400 businesses in Duplin county, only 166 have more than 10 employees. These small businesses provide the majority of new jobs in Duplin and many other rural counties. But for every small business that starts, another fails—usually because of a lack of available financing or marketing expertise.

Greater investment is needed to build the resources of our rural areas. That investment could come from a variety of public as well as private sources. An "investment partnership" must exist between the public and private sectors, where the public sector takes an aggressive, active leadership role, but acts in partnership with private sector participation.

Rural counties also need a "lender commitment program" to market SBA programs accurately to lenders and the public. SBA has long been misunderstood and a source of financing many bankers avoid. Typically, they see SBA loans as being excessive paperwork, slow decision-making and above-normal default rates.

By becoming a more active promoter of its programs and a responsible and responsive partner in lending, the SBA can overcome these perceptions.

Management and marketing assistance can also come from the Small Business Centers at our community colleges. We currently have in place a statewide network of these Centers at 53 of our 58 community colleges. The Small Business Centers, which provide training, counseling and referral services, should act as brokers for statewide resources of small business assistance to provide help with management and marketing expertise needed by so many small business people in our state.

The SBCs are already doing a good job. We need to find additional ways to empower them to do a better one.

To conclude my thoughts, many experts tell us that our economy is driven by three main trends:

(1) The changing nature of work;

(2) Changing skills needed by employees; and

(3) The changing demography of the workforce.

The key word associated with all of these trends is change. I think we need to foster an "attitude of change" about small business and economic development in our rural communities. No longer is the attitude of "business as usual" a sufficient strategy in our changing world. We have to find new ways to deal with *new* problems and *new* challenges if we are to succeed and grow. I hope we will discover some of those new ideas and strategies today.

TRIBUTE TO GEORGE SANTANA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. EDWARDS of California. Mr. Speaker, my family and I were distressed to learn of the death in San Jose on April 20 of my dear friend, George Santana.

I have many happy memories of George Santana and, indeed, all the members of his family. We had been friends for more than 60 years, beginning when I was an aspiring golfer in junior high school and he was the greenskeeper at San Jose Golf and Country Club.

George Santana was the best in the business in looking after golf courses. He was also the best when it came to amiability and camaraderie. I'll miss him, as will Helena Lynn, his wife, and other family members and friends. My sympathies go to them all.

Mr. Speaker, George Santana was an extraordinary man and a talented golfer even when he was well into his eighties. A most interesting article in the San Jose Mercury News written by Mack Lundstrom was published about George Santana, and I include the article below:

[From the San Jose Mercury News, April 23, 1992]

GEORGE SANTANA, AVID GOLFER WHO BUILT, MANAGED COURSES

(By Mack Lundstrom)

For aging Santa Clara Valley golfers who struggle to keep their skills long enough to shoot their age, George Santana was an inspiration.

When he was in his 70s, he shot a 68 at the 18-hole Spring Valley Golf Course in the hills above Milpitas. "George was deadly around the greens," said Len Konopacky, who along with Mr. Santana, Jim Haworth, Chuck Gallo and sometimes Chet Zydeck had a standing 6:30 a.m. tee time every Sunday.

On April 19, 1985, Mr. Santana shot an 80—on his 80th birthday.

In 1987, at 82, he beat all the plus 50-year-olds in the annual tournament of the Golf Course Superintendents Association of America in Tuscon, Ariz., to win the seniors trophy.

"George shot his age 200 times and then quit counting," said Bob Wright, another of his longtime playing partners.

But Mr. Santana didn't just play golf courses; he made them—and kept them—and owned them.

Before he died Monday of a heart attack at the age of 87, George E. Santana made his mark on freeways and greens all over the Santa Clara Valley for nearly 50 years.

It started when he was a teenager and his father had a team of horses and an apricot orchard in the east foothills next to the San Jose Country Club. The greenskeeper for the club's golf course needed the horses to pull its mower; young George became the driver.

He stayed until 1946, rising to greenskeeper himself and then golf course superintendent.

Naturally he played—well enough to win trophies in city championships along the way.

In the late 1940s and 1950s, Mr. Santana opened a driving range on Alum Rock Avenue and got into course design and construction—in Hollister, Bolado Park; and in San Jose, Cambrian Park, Santa Teresa and Almaden Country Club, where he was golf course superintendent for several years.

By the 1960s, he had built his own course, the El Rancho Verde Golf Course on McKee Road, when Bob Wright came calling.

Mr. Santana kept his greens green with the fertilizer and grass seed Wright sold, and the two nourished a golfing friendship that continued long after they both retired. The more than 8,000 rounds of golf the two played over 25 years included trips to Ireland and western Canada, and three to the homeland of golf in Scotland.

When George Santana retired and quit developing golf courses in the 1970s, he switched "to developing people," said his daughter, Barbara Santana Cronin, and was busier than ever. He was a member of the Santa Clara County grand jury in 1971 and a member of the Santa Clara County Flood Control District board in the early 1970s.

He and Tim Garcia formed a team for the St. Vincent de Paul Society, distributing food and clothing and giving assistance to families in need.

Cronin described her father as "a fund-raiser extraordinaire"—often by organizing a golf tournament—for Notre Dame High School and Alexian Brothers Hospital, where he was a foundation member, and St. John Vianney Church, where he and his wife of 50 years, Helena were founding members.

In recent months, Mr. Santana was always dropping in on shut-in friends, including his brother, Joseph, who died in February at the age of 88.

And he played golf, at least three times a week with the Spring Valley foursome, or the SIRS or the Elks or the "course superintendents."

Even at 87, "he was always going to improve his game," said Robert Dauterman, who is now course superintendent at San Jose Country Club. "'I gotta practice,' he'd say he was just an extraordinary man."

RICHARD INDUSI HONORED BY MID-HUDSON ELKS

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mrs. LOWEY of New York. Mr. Speaker, I rise today to honor Richard Indusi as he is

recognized for his many contributions to the Mid-Hudson district of the benevolent and protective order of the Elks as district deputy grand exalted.

When Richard Indusi was initiated into the Elks in 1972 his leadership qualities were unmistakable. Within 2 years he served as inner guard. He was later elected esteemed lecturing knight in 1977, esteemed loyal knight in 1978, esteemed leading knight in 1979 and exalted ruler in 1980. He was elected lodge secretary in 1982 and 1983 and served again in exalted ruler in 1984.

But his participation in the Elks means much more to Richard Indusi than the positions of responsibility he has held. The pride he feels for his associations is evident throughout his work. Not only has he served on most of the various lodge committees, but he has also chaired many of them. His energy and dedication have reinvigorated Flag Day and Elk memorial observances, bringing a new meaning to these important occasions.

As others have observed Richard Indusi's commitment and dedication to the Elks Mid-Hudson district, they have placed him in other leadership positions including those of district chairman and State gold chairman. In 1988, he was elected New York State vice president for the Mid-Hudson district. At the grand lodge convention last summer, Richard Indusi was appointed deputy grand exalted ruler for the Mid-Hudson district.

Mr. Speaker, the Elks of the Mid-Hudson district are fortunate to have as committed a leader as Richard Indusi. I know my colleagues join me in wishing him the best as he continues to serve the Elks and the community at large.

PUNISH ALL LOOTERS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. OWENS of New York. Mr. Speaker, the recent violent disturbances in Los Angeles have riveted our attention on certain long neglected problems. We have deplored looting in Los Angeles. It would greatly enhance both our moral and economic position if at this same time we would also loudly condemn the looting of the savings and loans banks. The two orgies of lawlessness are very much interrelated. Although they are not similar in terms of costs—damage in Los Angeles may reach $700 million while the S&L failures will cost the taxpayers at least $500 billion—these two riots have a governmental attitude base in common.

Friendly neglect and deregulation of the S&L's encouraged wholesale, systematic looting. Hostile neglect of inner city communities like Los Angeles piled up the great oil pool of discontent which was ignited by the twisted verdict of the Rodney King trial.

Mr. Speaker, while there are numerous calls for the most vigorous and severe prosecution of the Los Angeles looters, the S&L looters continue to enjoy an attitude of friendly neglect from the present Attorney General. A recent report issued by Mr. ANNUNZIO, the chairman of the House Subcommittee on Financial Institutions Supervision, Regulation and Insurance of the Banking, Finance and Urban Affairs Committee, exposes the fact that even after the courts have ordered S&L looters to pay restitution, the Attorney General has refused to vigorously implement the collection action. The report entitled "Why S&L Crooks Have Failed To Pay Millions of Dollars in Court-Ordered Restitution: Nineteen Case Studies," should be read by all lawmakers who care about safeguarding the money of the U.S. taxpayers.

Mr. Speaker, the S&L conspiracy really was a riot. The U.S. Treasury was invaded. The taxpayer's mint was raided. Congress can still take meaningful action to pinpoint the looters and press for full and appropriate punishment. These looters stole millions. This riot will cost billions. Again, I urge you, Mr. Speaker, to immediately appoint a Select Committee to investigate the administration of the Resolution Trust Corporation and the performance of the Justice Department in the prosecution of S&L looters.

THE RIOT AT THE MINT UP-DATED

There was a riot at the mint
And the looters all went free
Democrats and Republicans
Went AWOL
With their smug silent glee.

Phony mortgages went up in flames
Yale and Harvard hoodlums
With high society political names
Grabbed sweetheart loan bribes.

There was really a riot at the mint
They carted off millions
They hustled away billions
But famous S and L looters
Are still walking free
Congressional cops were accomplices
With their smug silent glee.

No sirens did wail
No muggers went to jail
White collar looters were turned loose
Law and order
Was gang raped on the side
While talk show hosts and the press
And their advertisers
All went along for the ride
There was a riot at the mint.

GENERAL BUSTILLO DENIES CONNECTION WITH JESUIT MURDERS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. DORNAN of California. Mr. Speaker, the case of the Jesuit murders in El Salvador is one of the most heinous crimes committed during the long civil war in that small but beautiful country. Yet, that does not mean that in searching for the guilty parties we should abandon all precepts of fairness and good judgment. Yet that is exactly what Gen. Juan Rafael Bustillo claims Mr. MOAKLEY has done.

According to Gen. Bustillo, Mr. MOAKLEY'S October 14, 1991, Washington Post op-ed piece entitled, "Justice Disserved in the Jesuit Murders" impugned his honor by hinting that he had something to do with masterminding the Jesuit murders. Mr. MOAKLEY writes: "I urge the Department of State to bar retired Air Force Gen. * * * Bustillo from entry into the United States until a full investigation has been conducted into his possible involvement in instigating the murders of the Jesuit priests." General Bustillo adamantly denies that he had anything whatsoever to do with the murders. He has responded to Mr. MOAKLEY and was good enough to send me a copy of that letter. I would now like to submit for the RECORD the response by General Bustillo so that my colleagues can read the other side of the story and decide for themselves.

GRAL. JUAN RAFAEL BUSTILLO,
San Salvador, El Salvador, February 7, 1992.

Hon. JOSEPH MOAKLEY,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MOAKLEY: Last October, I was most surprised to read a reference to me in your Washington Post editorial regarding the Nov. 16, 1989 murder of six Jesuit priests, their housekeeper and her daughter. In that article, you urged the Department of State to bar my entry into the United States "until a full investigation has been conducted into his possible involvement in initiating the murders of the Jesuit priests."

I was stunned by this indictment by innuendo. Never in any of your previous reports, statements, speeches or testimony had my name ever appeared as even being remotely connected to this case. Moreover, I believe that it is contrary to your legal system's tradition of due process to impose sanctions on a person prior to being charged, let alone convicted, of any crimes.

Furthermore, so far as I know, no one had ever alleged that I had anything to do with this heinous crime, and this includes reports by the FBI, Scotland Yard, and the Spanish police. More importantly, my name never was mentioned during the lengthy Salvadoran judicial proceedings regarding Jesuit case.

However, as surprised as I was by the reference in the Washington Post, I was still unprepared for your report of Nov. 18, 1991, in which you cite anonymous sources who alleged that I initiated the plot to kill the priests. You also cite so-called "evidence" which purportedly support the thesis that I participated in a meeting with other senior officers at the Military School on the afternoon of Nov. 15, 1989 at which the murders were planned.

I categorically deny each and every allegation in your report and I find it reprehensible that you would have published these libelous charges without ever having contacted me about them.

First, your unnamed sources' charges are factually wrong. Consider, for example, the primary allegation that I presided over a session of senior officers at the Military School on the afternoon of Nov. 15, at which the murders were planned. That I attended no such meeting can be easily demonstrated.

The fact is that I could not have attended your source's conspiratorial meeting at the school that afternoon because, at the time, I was personally directing a major counter-attack against guerrillas entrenched near the air base.

As you may recall, the largest column of guerrillas in San Salvador during the 1989 FMLN offensive were dedicated to seizing the air base. Therefore, one of the most important tasks confronting me was to drive the communists out of Soyapango, a neighborhood proximate to the air base and within the jurisdiction of my military operations command. On the afternoon of Nov. 15, I was

personally directing the offensive against the insurgents both by flying over the battlefield and by repeatedly visiting my troops at the front lines. My personal participation was required not only to direct the attack against the enemy but also to ensure that civilians—who were being used as human shields by the communists—were not caught in the crossfire.

Thus, it would have been impossible for me to be at the Military School for the alleged conspiratorial meeting. Both the records at the air base and the testimony of the hundreds of airmen and infantry who participated in the attack that afternoon will confirm my presence at the scene of the battle, which is over 20 kilometers from the school.

In fact, the only time I left my command on Nov. 15 was that evening, when I was called to a general staff meeting at the Estado Mayor. Because there was fighting all over the city, I could not travel safely by car to attend the meeting. Therefore, I took a helicopter to military headquarters.

Both the log book of the helicopter I used, my co-pilot's testimony, and the helicopter squadron records will indicate that I did not leave the air base for the general staff meeting until the evening hours on Nov. 15. After the meeting, I immediately returned to my command.

As further evidence of the total lack of credibility of your anonymous sources, let me address one of the allegations which purportedly supports the theory that I initiated the murders. Your report attributes certain statements to Gen. Ponce and I at a meeting we allegedly had with other officers on Dec. 10, 1990.

I attended no such meeting. Since my resignation as commander of the Salvadoran Air Force on Dec. 31, 1989, I have never had a meeting with Gen. Ponce on any topic. Moreover, on Dec. 10, 1990 I was not even in El Salvador. The visa stamps in my passport clearly demonstrate that I could not have had a meeting with Gen. Ponce and other officers on the day in question.

A word must be said about the manner by which you chose to unveil these rumors. It is contrary to every notion of fairness to print such malicious charges against me without ever having investigated their veracity. The most important action in such an investigation would have been to meet with the subject of the charges and to ask him for a response and solicit any evidence which might tend to prove or disprove the allegations. Mr. Moakley, neither you or your staff ever met with me to review the allegations and the so-called evidence contained in your report. You never bothered to meet with the person most damaged by these serious charges.

It is also noteworthy that neither Judge Zamora, the magistrate overseeing the Jesuit case, nor his staff or government investigators ever asked me about any of the allegations published in your report. This implies either that you never informed him of the allegations—a curious circumstance given your dedication to justice in the case—or that he found them to be so without merit that he did not follow up your "leads."

Of course, the erroneous "evidence" cited in your report raises questions about the truthfulness of your unnamed sources. However, since your sources will not come out of the shadows to make their accusations in public, the veracity of your sources cannot be subjected to rigorous cross-examination. In this sense, the U.S. legal system is superior to the congressional practice of issuing reports: in criminal cases, ultimately those repeating the accusations must make their sources known. Unfortunately, my accusers cannot be forced into the open in a similar manner.

Given my refutations of the specific charges contained in your report as well as the irresponsible way in which your editorial and report were written and released, I challenge you to come to El Salvador and join me in publicly investigating your report's charges. You can make your case, and I will present mine. We can pursue any issue or evidence, and the only requirement that I must insist on is that we conduct our inquiry in full public view. It is important that we not operate behind the cloak of secrecy with which you have thus far masked your activities. By operating in the open, every interested citizen can make up his own mind as to where the truth of the matter lies.

In your pursuit of this case, you have listened to some who have motives other than helping you find the truth. By not asking me about these criminal allegations before publishing your report, you have inflicted a grave injustice on me. I ask you to join me in El Salvador at your earliest possible convenience for a public debate regarding your charges. After having lent your name to these scurrilous allegations, the least you can do now is afford me the opportunity to clear my name.

Awaiting your reply, I remain

Sincerely yours,

GENERAL JUAN RAFAEL BUSTILLO.

THE RETIREMENT OF RONALD P. SOCCIARELLI, DIRECTOR OF THE OHIO UNIVERSITY MARCHING BAND

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. McEWEN. Mr. Speaker, I rise today to pay tribute to Mr. Ron Socciarelli, who will retire as the director and conductor of the Ohio University Marching Band, Wind Ensemble, and University-Community Summer Concert Band at the end of the current academic year.

Music occupies a unique place in the American heritage, and it has been a tremendous motivating force in the life of Mr. Socciarelli. On the occasion of his retirement from Ohio University, which is located in Athens, OH, I would like to commend to the attention of my colleagues Mr. Socciarelli's long and fruitfull association from music.

RONALD P. SOCCIARELLI

Ronald P. Socciarelli was born in Little Falls, New York in 1932. After completing a bachelor's degree at Ithaca College in 1959, he attended the University of Michigan where he received his MM degree in 1963. Socciarelli has completed additional graduate work at the State University of New York at Buffalo and spent the academic year of 1965-66 at the University of Michigan. Socciarelli received earlier musical training with the later George H. Bennett, and studied conducting with Ulrich Meyer, associate conductor of the Buffalo Philharmonic in 1964 and 1965.

From 1959 through 1965, Ronald Socciarelli was conductor of the Lackawanna (New York) High School Band, which under his direction received consistent "A" ratings in New York State contests. He also served as Director of Music Education for the Lackawanna Public Schools from 1963 to 1967.

From 1967 to 1972 Socciarelli was the Chairman of the Music Department of Ithaca High School and conductor of the Ithaca High School Concert Band. He conducted the world premiere performances of several commissions written specifically for that group. Socciarelli was also the conductor of the Ithaca High School Marching Band. Under his direction, Ithaca's "Little Red" Marching Band received national recognition for its many performances on television at professional football games both in the United States and in Canada.

In 1972, Socciarelli served as the Director of Bands at Northern Illinois University. Since his arrival to Ohio University in 1973, he has served as Director of Bands, performing all administrative duties encompassed in that position. In addition, he supplemented that position by serving as the conductor of the Ohio University Marching Band, Symphonic Band, Wind Ensemble and the University-Community Summer Concert Band. Socciarelli also holds the rank of full professor in the School of Music.

Socciarelli brings to his position a wide knowledge of both traditional and contemporary literature for the wind band. During the past several years he has given world premiere performances of music by Samuel Adler, Alan Hovhaness, Paul Cooper, Julian Work, Warren Benson, Alec Wilder, David Sargent, Paul Whear, and James Chandoir, and has won praise from these composers for his sensitive interpretation of their work.

Under his direction, the Ohio University Wind Ensemble has performed at the Ohio Music Educators' Association three times, and was selected to perform at the national meeting of the college Band Directors; National Association held at the University of Maryland, and at the National Music Teacher's Association conference in Washington, D.C.

Socciarelli has toured extensively throughout the East and Midwest with the Ohio University Marching Band. In October, 1976, they performed in New York's Carnegie Hall for an audience of over 2000, becoming the first marching band to ever perform in that prestigious hall. Since 1981, he has utilized the IMB 370 in writing and developing routines and shows for the Ohio University Marching Band.

Finally, Mr. Speaker, I would like to echo the sincere appreciation that has been expressed by the many people who have worked with Mr. Socciarelli over the years. It is only fitting that the mayor of the city of Athens has declared May 15, 1992, as "Ron Socciarelli Day." While he will be sorely missed by students and fellow professors alike, we extend to him our very best wishes for the future.

INTERGOVERNMENTAL COMMISSION ON HEALTH CARE FRAUD AND ABUSE

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. WEISS. Mr. Speaker, the savings and loan crisis, the worst financial scandal in U.S. history, will cost the taxpayers $200 billion. But that will eventually seem like a penny-ante affair compared to the $100 billion a year price tag of health care fraud and abuse.

This morning, the Human Resources and Intergovernmental Relations Subcommittee,

which I chair, conducted a hearing. The General Accounting Office testified that fraud and abuse are fueling an inflationary spiral in the health care industry that is beyond belief. By the year 2000, health care costs will reach $1.6 trillion, a 25-year increase of 800 percent. Health care costs threaten to economically bury us, deepening the national recession and fueling the out-of-control Federal deficit.

And at a time that fraud and abuse inflate health care costs, the Federal Government is deflating resources to stop runaway ripoffs. In the last 3 years, during a time when Medicare claims increased by 40 percent, the administration cut oversight funds $33 million.

Meanwhile, hampered by a general lack of coordination between companies, the insurance industry has done little more than pass the costs of fraud and abuse onto consumers.

The gouging of our Nation by medical entrepreneurs has to be stopped. GAO recommended today that a national commission be created to develop solutions to the problem. I believe that the creation of an intergovernmental commission to map out a coordinated strategy for governments and private companies to form an effective force against health care fraud and abuse should be formed. Today I am introducing legislation to create such a commission, and I will be seeking support from my colleagues.

H.R. 5120

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 "Intergovernmental Health Care Fraud and Abuse Commission Act of 1992".

SEC. 2. ESTABLISHMENT OF INTERGOVERNMENTAL HEALTH CARE FRAUD AND ABUSE COMMISSION

(a) IN GENERAL.—There is established a commission to be known as the "Intergovernmental Commission on Health Care Fraud and Abuse" (in this Act referred to as the "Commission").

(b) COMPOSITION.—The Commission shall be composed of 13 members as follows:

(1) OFFICIALS.—

(A) The Secretary of Health and Human Services (or the Secretary's designee).

(B) The Inspector General of the Department of Health and Human Services (or the Inspector General's designee).

(C) The Attorney General (or the Attorney General's designee).

(D) The Director of the Federal Bureau of Investigation (or the Director's designee).

(E) The Administrator of the Health Care Financing Administration (or the Administrator's designee).

(2) PUBLIC MEMBERS.—Eight members, appointed by the President, of which—

(A) one shall be an Attorney General of a State;

(B) one shall be a representative of State medicaid fraud control programs;

(C) one shall be a representative of health care consumers;

(D) one shall be a representative of medicare beneficiaries;

(E) one shall be a representative of physicians;

(F) one shall be a representative of health insurance companies;

(G) one shall be a representative of employers who provide employee health insurance; and

(H) one shall be a representative of labor unions.

In making appointments under this paragraph of an individual who is a representative of persons or organizations, the President shall consider the recommendations of national organizations that represent such persons or organizations. The President shall report to Congress, within 90 days after the date of the enactment of this Act, the names of the members appointed under this paragraph.

(c) TERMS.—Each member shall be appointed for the life of the Commission. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

SEC. 3. FUNCTIONS OF COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) investigate the nature, magnitude, and cost of health care fraud and abuse in the United States, and

(2) identify and develop the most effective methods of preventing and eliminating such fraud and abuse, with particular emphasis on coordinating public and private prevention and enforcement efforts.

(b) PARTICULARS.—Among other items, the Commission shall examine at least the following:

(1) Mechanisms to provide greater standardization of claims administration in order to accommodate fraud detection and prevention.

(2) Mechanisms to allow more freedom of health benefit plans to exchange information for coordinating case development and prosecution efforts, without undermining patient and provider privacy protections or violating anti-trust laws.

(3) The need for regulation of new types of health care providers.

(4) Criteria for physician referrals to facilities in which they (or family members) have a financial interest.

(5) The extension to private health insurers of administrative remedies currently available to public insurers.

(6) Creating a model State statute for establishing State insurance fraud units and State laws to strengthen insurers' ability to pursue and recover from fraudulent providers.

(7) The availability of resources to law enforcement authorities to combat health care fraud and abuse.

(c) REPORT.—After approval by a majority vote, a quorum being present, the Commission shall transmit to Congress a report on its activities to Congress. The report shall be transmitted not later than 18 months after the date that a majority of the public members of the Commission have been appointed. The report shall contain a detailed statement of the Commission's findings, together with such recommendations as the Commission considers appropriate.

SEC. 4. COMPENSATION AND ORGANIZATION.

(a) COMPENSATION OF MEMBERS.—

(1) RATES OF PAY.—Each public member described in section 2(b)(2) who is not an officer or employee of the Federal Government is entitled to receive pay, subject to such amounts as are provided in advance in appropriation Acts, the daily equivalent of the minimum annual rate of basic pay in effect for grade GS–18 of the General Schedule for each day (including traveltime) during which the member is engaged in the actual performance of duties vested in the Commission. Each member of the Commission who is such an officer or employee shall serve without additional pay.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(b) ORGANIZATION.—

(1) QUROUM.—Seven members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(2) CHAIRMAN.—The chairman of the Commission shall be elected by the members.

(3) MEETINGS.—The Commission shall meet at the call of the chairman or a majority of its members. Meetings of the Commission are open to the public under section 10(a)(10) of the Federal Advisory Committee Act, except that the Commission may conduct meets in executive session but only if a majority of the members of the Commission (a quorum being present) approve going into executive session.

(c) FUNDING.—There are authorized to be appropriated to the Commission such funds as are necessary to carry out its functions. Such funds shall remain available until expended.

SEC. 5. STAFF OF COMMISSION.

(a) IN GENERAL DETAIL OF FEDERAL EMPLOYEES.—Subject to rules prescribed by the Commission, the chairman may appoint and fix the compensation of a staff director and such other additional personnel as may be necessary to enable the Commission to carry out its functions, without regard to the laws, rules, and regulations governing appointment and compensation and other conditions of service in the competitive service. Upon request of the chairman, any Federal employee who is subject to such laws, rules, and regulations, may be detailed to the Commission to assist it in carrying out its functions under this Act, and such detail shall be without interruption or loss of civil service status or privilege.

(b) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the minimum annual rate of basic pay payable for GS–18 of the General Schedule.

SEC. 6. AUTHORITY OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) OBTAINING OFFICIAL DATA.—

(1) IN GENERAL.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the chairman of the Commission, the head of that department or agency shall furnish that information to the Commission.

(2) ACCESS TO INFORMATION.—Information obtained by the Commission is available to the public in the same manner in which information may be made available under sections 552 and 552a of title 5, United States Code.

(c) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property for the purpose of aiding or facilitating the work of the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Ad-

ministrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(f) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter which the Commission is authorized to investigate under this Act. The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

SEC. 7. TERMINATION.

The Commission shall terminate 60 days after the date the report is submitted under section 3(c).

GREGORY D. WATSON GETS HIS 1789 CONSTITUTIONAL AMENDMENT PASSED—MICHIGAN ENDS THE ONE MAN CRUSADE

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. FROST. Mr. Speaker, today the Michigan Legislation ratified an amendment to the U.S. Constitution. It becomes a unique ratification, inasmuch as Michigan became the 38th State to ratify a constitutional amendment proposed in 1789. After 203 years, three-fourths of the States have ratified this amendment, and no one is more responsible for its ratification than Gregory D. Watson of Austin, TX.

Gregory is the subject of my May 8, 1992, weekly column, and I am inserting at this point in the RECORD for my colleagues to read:

FROST WEEKLY COLUMN

(By Congressman Martin Frost)

When Gregory D. Watson began working in the Texas House of Representatives, he soon discovered some very interesting facts about our constitutional system of government. He became interested in the fact that the founding fathers of our nation submitted a number of proposed constitutional amendments—ten of which were ratified and became known as our Bill of Rights.

But, Gregory also discovered that other proposed amendments were not ratified by the required number of states and therefore were in "limbo" since their submission to the states for approval. He became personally interested in one of those proposed amendments, known as the Madison Amendment, which states:

"No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

Gregory contacted every state that had not ratified the proposed amendment and began to work for ratification in each of those states. In Texas, his efforts finally paid off on May 25, 1989, but he had previously been primarily responsible for many others ratifying the proposal prior to that date.

On March 9, 1992, I introduced a constitutional amendment that was modeled after the Madison Amendment, just in case the 1789 proposal is ruled invalid for some reason. Congressman Charles Stenholm joined me in sponsoring this amendment.

On Thursday, May 7, 1992, Gregory, a graduate of The University of Texas at Austin with a major in government, saw his dream come true. The Michigan Legislature became the 38th state to ratify the Madison Amendment, or as Gregory says, "the Congressional Compensation Amendment of 1789."

When he began his effort to see the Amendment ratified, only eight states had done so. Now, three-fourths of the states have notified Congress that the Madison Amendment—Gregory D. Watson's amendment—has been approved, and it will be interesting to see if the courts will uphold its two hundred year path to ratification.

INTRODUCTION OF LEGISLATION REGARDING FOREIGN ASSISTANCE

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. OWENS of Utah. Mr. Speaker, today I will be introducing a bipartisan bill to prohibit United States foreign assistance for Serbia and Montenegro and to freeze the assets of the former Yugoslavia. My bill also calls upon the President to immediately derecognize Yugoslavia and provide humanitarian and refugee assistance for the victims of the war in Croatia and Bosnia.

In addition, the legislation urges the administration to withhold recognition of Serbia and Montenegro until they hold democratic elections and adcpt political and constitutional reforms that recognize the territorial integrity of newly independent former Yugoslav republics, including Croatia and Bosnia-Hercegovina.

Mr. Speaker, the United States is beginning to move against Serbian aggression. We can leave no doubt in the minds of Serbia's ruthless leader or victims of Serbia's brutality that the Americans people abhor the violence and support tough, immediate action against the aggressors.

CONGRATULATIONS TO MONTGOMERY COUNTY WINNERS OF SMALL BUSINESS AWARDS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mrs. MORELLA. Mr. Speaker, I wish to recognize Mr. DeVance Walker, Jr., Mr. Lester Coffey, Ms. Jayne Millar Wood, and Ms. Eve Grover upon being honored by the Small Business Administration for their accomplishments in the Montgomery County business community.

DeVance Walker, Jr., manager of Business and Technical Service for the Montgomery County Office of Economic Development, has been named Minority Business Advocate of 1992. Mr. Walker's dedication to the cause of furthering the role of minorities in business prompted him to begin the Minority Business Mentor Program and the County Procurement Program. He also aids the Montgomery County Small Business Development Center in preparing its procurement focus briefings.

Lester Coffey has been named the SBA regional, State, and National Accountant Advocate of the Year. Mr. Coffey is president of a Rockville based management consultant firm, Coffey and Associates. Last year, Mr. Coffey was president of the Greater Gaithersburg Chamber of Commerce and served as chairman of the Champions of the Future Foundation. The foundation works to teach student skills needed for successful lives. Mr. Coffey also teaches accounting practices at the University of Maryland.

Jayne Millar Wood, president of Devres Inc., an international management consulting firm located in Bethesda, has been named SBA Regional Exporter of the Year. Ms. Wood, a cofounder of Devres Inc., has been providing technical assistance and advice to clients in 88 countries since 1978. Devres Inc. employs more than 100 people in both the United States and abroad with revenues of more than $3 million annually.

Eve Grover, vice president of First American Bank, has been named by SBA as regional Financial Services Advocate of the Year. Ms. Grover is First American's small business liaison officer. She also serves on its community reinvestment act committee and is the chairwoman of its small business committee. Ms. Grover was founder and president of First Women's Bank of Maryland.

I offer my congratulations to these outstanding individuals on their accomplishments. They are all truly deserving of this very distinguished honor by the Small Business Administration.

UNACCOUNTABLE CONGRESS—WE ARE LIVING IN A FISCAL FANTASYLAND

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. BALLENGER. Mr. Speaker, the American people's low opinion of this Democrat-

controlled Congress can't get much lower after the rubber check and post office scandals. Former Congressman Joe DioGuardi in his recent book aptly describes the Democrat-controlled Congress. He says "Exploring the financial management of the United States government is very much like being blindfolded and lost in the New York subway system; you don't know where you are, have no idea where you are going—and you could fall off the edge at any moment * * * "

The American people are tired of Congressmen fudging economic numbers to make projections work. They are tired of the off-budget treatment for hiding Federal expenses. They are tired of the current service budget ploy for faking spending reductions. They are tired of the phony "fraud, waste, and abuse excuse" to create theoretical savings. And even worse, the American people are tired of the "magic asterisk" which balances a budget by promising—somehow—to find savings later.

Mr. DioGuardi best sums it up in his book, "We are living in a fiscal fantasyland that, unlike Cinderella, ends unhappily ever after." Mr. Speaker the American people are tired, with the tax and spend and coverup policies, of the Democrat-controlled Congress. They want a Congress that is accountable to the American people.

INTRODUCTION OF THE JICARILLA APACHE TRIBE WATER RIGHTS SETTLEMENT ACT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. RICHARDSON. Mr. Speaker, today, I am introducing legislation that will provide congressional approval for an historic agreement that will settle the Indian water rights claims of the Jicarilla Apache Tribe in New Mexico. The settlement agreement is the first such negotiated settlement of Indian water rights in the State of New Mexico.

The Jicarilla Apache Tribe of north central New Mexico resides on a reservation of approximately 823,000 acres located between two federally constructed water projects: The San Juan-Chama Transmountain Diversion project to the east and the Navajo Reservoir to the west. Despite the fact that water resources the tribe has depended upon for ages were significantly depleted, the Bureau of Reclamation excluded the tribe from participating in or benefiting from the two water projects. As a result, the tribe had no choice but to file suit against the United States.

Over the past several years, the Jicarilla Apache Tribe has been engaged in negotiations with the Department of the Interior for settlement of the tribe's water-related claims. The terms and conditions of the negotiated settlement are embodied in a contract between the tribe and the United States, a contract that is fully supported by the New Mexico Interstate Stream Commission.

Passage of this legislation will enable the tribe to enter into partial final decrees with the State of New Mexico quantifying its water rights in both the Rio Chama and San Juan River stream systems in the State of New Mexico, securing a perpetual water supply for the tribe.

In addition, this legislation establishes a water resource development trust fund, in the amount of $2 million a year for 3 years. The funds will be used for water resource development costs in addition to the costs associated with the implementation of the settlement.

This legislation also requires the Secretary of Interior to comply with all environmental laws, including the Endangered Species Act, the National Environmental Policy Act (NEPA), and other applicable environmental laws and regulations.

Mr. Speaker, the agreement reached by the Jicarilla Apache Tribe and the Department of Interior, which is ratified in this legislation, sets a benchmark that I believe should be strived for in resolving water rights issues. The legislation benefits the tribe, allows the United States to meet its obligation, and has the full support of the State of New Mexico. I urge my colleagues to join me in passing this important legislation.

Mr. Speaker, I insert the text of this legislation in the RECORD.

H.R. 5122

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 "Jicarilla Apache Tribe Water Rights Settlement Act".

SEC. 2. FINDINGS.

Congress hereby finds and declares that—

(1) the Jicarilla Apache Tribe has multiple claims against the State of New Mexico, the United States, and other parties, related to water rights for its reservation in northern New Mexico and based on the alleged infringement of those rights;

(2) Federal water resource projects have diverted water upstream from the Jicarilla Apache Indian Reservation and have impounded water downstream from the reservation, but no provision has been made for substantial water resource development to benefit the reservation;

(3) a full and final settlement of the water rights claims of the Jicarilla Apache Tribe will inure to the benefit of the Tribe, the State of New Mexico, and the United States;

(4) this Act, together with a Settlement Contract between the Jicarilla Apache Tribe and the United States, is intended to provide for the full, fair and final resolution of the water right claims of the Tribe, and to secure to the Tribe a perpetual water supply for use on its reservation;

(5) the Jicarilla Apache Tribe may use this water supply outside the boundaries of its reservation consistent with the terms of a Settlement Contract between the Tribe and the United States; and

(6) the Secretary, in accordance with the requirements of section 11(a) of the Act of June 13, 1962 (76 Stat. 96, 99; Public Law 87-483), has determined by hydrologic investigations that sufficient water to fulfill the Settlement Contract is reasonably likely to be available for use in the State of New Mexico under the allocations made in articles III and XIV of the Upper Colorado River Basin Compact and has transmitted such determination to Congress by letter dated February 2, 1989.

SEC. 3. PURPOSE.

It is the purpose of this Act to—

(1) approve, ratify and incorporate by reference the Settlement Contract; and

(2) to authorize the actions and appropriations necessary and appropriate for the United States to fulfill its obligations under such contract and this Act.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) The term "Settlement Contract" means a contract between the United States and the Jicarilla Apache Tribe setting forth the commitments, rights and obligations of the United States and the Tribe in providing for the resolution of all water right claims of the Tribe.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Tribe" means the Jicarilla Apache Tribe of Indians organized under a revised constitution adopted December 15, 1968 pursuant to the Indian Reorganization Act (25 U.S.C. 476 et seq.) and duly recognized by the United States of America.

(4) The term "Navajo Reservoir" means the reservoir created by the impoundment of the San Juan River at the Navajo Dam as authorized by the Act of April 11, 1956 (70 Stat. 105).

(5) The term "San Juan-Chama Project" means the Project authorized by section 8 of the Act of June 13, 1962 (76 Stat. 96, 97), and the Act of April 11, 1956 (70 Stat. 105).

SEC. 5. SETTLEMENT CONTRACT APPROVAL.

(a) SETTLEMENT CONTRACT.—The Secretary, acting on behalf of the United States, and the President of the Tribe, acting pursuant to an authorization from the Jicarilla Apache Tribal Council, are authorized to enter into the Settlement Contract, but in no event shall such contract be limited by any term of years, or be canceled, terminated or rescinded by the action of any party, except by an Act of Congress hereafter enacted.

(b) APPROVAL OF SETTLEMENT CONTRACT.—The Congress approves, ratifies, and hereby incorporates by reference the Settlement Contract.

(c) AUTHORITY OF SECRETARY.—The Secretary is authorized to enter into such agreements and to take such measures as the Secretary may deem necessary or appropriate to fulfill the intent of the Settlement Contract and this Act.

SEC. 6. WATER AVAILABLE UNDER THE CONTRACT.

(a) WATER AVAILABLE.—Water made available annually under the Settlement Contract approved by section 5 of this Act is in the following amounts under water rights held by the Secretary for the following projects or sources:

	Total diversion (acre-feet/year)	Total depletion (acre-feet/year)
Navajo Reservoir or Navajo River	33,500	25,500
San Juan-Chama Project	6,500	6,500
Total	40,000	32,000

(b) AMENDMENTS TO CONTRACT.—The Secretary may enter into amendments to the Settlement Contract which would in his judgment be in the interest of water conservation and in the spirit of this settlement of the claims of the Tribe, but the water depletions shall not exceed the amounts set forth in this section.

(c) RIGHTS OF THE TRIBE.—The Tribe will be entitled under the Settlement Contract to use any and all return flows attributable to uses of the water by the Tribe or its contractors, as long as the water depletions do not exceed the amounts set forth in this section

SEC. 7. SUBCONTRACTS.

(a) AUTHORITY OF TRIBE.—Subject to the approval of the Secretary, when water made

available under the Settlement Contract approved by section 5 of this Act is not being used by the Tribe, the Tribe may sell, exchange, lease, or otherwise temporarily dispose of such water in accordance with section 11 of the Settlement Contract, but the Tribe shall not permanently alienate any rights it has under that contract. The maximum term of any water use subcontract, including all renewals, shall not exceed 99 years in duration.

(b) APPROVAL OF SECRETARY.—The Secretary shall approve or disapprove any subcontracts submitted to him for approval within (1) 180 days after submission, or (2) 60 days after compliance, if required, with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), or any other requirement of Federal law, whichever is later. Any party to a subcontract may enforce the provision of this subsection pursuant to section 1361 of title 28, United States Code.

(c) PREEMPTION.—The authorization provided for in subsection (a) shall not amend, construe, supersede, or preempt any Federal law, interstate compact, or international treaty that pertains to the Colorado River or its tributaries, including the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quality of those waters. The provisions of section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any water made available under the Settlement Contract.

(d) FORFEITURE.—The non-use of the water supply secured herein by a subcontractor of the Tribe shall in no event result in a forfeiture, abandonment, relinquishment, or other loss of all or any part of the rights exercised by the Tribe under the Settlement Contract.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated:

(1) $6,000,000 for deposit, in accordance with the following schedule, in a water resources development trust fund established in the United States Treasury for the Tribe, to be expended by the Tribe for any water resource development costs, including cost associated with this settlement:

(A) $2,000,000 shall be deposited in the first fiscal year which commences following the date of the enactment of this Act;

(B) $2,000,000 during the fiscal year next following the first fiscal year referred to in subparagraph (A); and

(C) $2,000,000 during the fiscal year next following the second fiscal year referred to in subparagraph (B); and

(2) such amounts as are necessary, for expenditures by the Secretary, to pay the Tribe's share of the operation, maintenance, and replacement costs for the San Juan-Chama Project, when the Secretary has waived the Tribe's obligation to pay such costs pursuant to subsection (c)(1) and section 10(f) of the Settlement Contract.

(b) NO PER CAPITA PAYMENTS.—No part of the principal of the fund, or of the income accruing to such fund, or the revenue from any water use subcontract, shall be distributed to any member of the Tribe on a per capita basis.

(c) WAIVERS.—Notwithstanding the provisions of the Act of August 4, 1939 (53 Stat. 1187), or any other provision of law:

(1) When the conditions specified in section 10(f) of the Settlement Contract are satisfied, the Secretary may waive all or part of the Tribe's share of the construction costs, and the operation, maintenance, and replacement costs for the Navajo Reservoir and the San Juan-Chama Project.

(2) When all or part of the Tribe's share of the construction costs for the San Juan-Chama Project are waived by the Secretary, that portion of those costs waived shall be nonreimbursable.

(3) The Tribe's share of the construction cost obligation for the San Juan-Chama Project, both principal and interest, due from 1972 to the execution of the Settlement Contract shall be nonreimbursable.

SEC. 9. ENVIRONMENTAL COMPLIANCE.

(a) ENVIRONMENT.—The water supply authorized by the Act of June 13, 1962 (76 Stat. 96), for the initial stage of the San Juan-Chama Project may not be used to offset the impacts of other water projects in the San Juan River Basin in order to comply with the requirements of the Endangered Species Act of 1973 (16 U.S.C. 1531). Notwithstanding the preceding sentence, nothing in this Act is intended to exempt the operation of the San Juan-Chama Project from the provisions of the Endangered Species Act of 1973, or to amend or repeal the provisions of the Act of June 13, 1962 (76 Stat. 96).

(b) NOT A MAJOR FEDERAL ACTION.—Execution of the Settlement Contract shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary shall comply with all aspects of the National Environmental Policy Act of 1969, the Endangered Species Act, and other applicable environmental laws and regulations in fulfilling the terms of the Settlement Contract.

SEC. 10. PROTECTION OR RIGHTS.

The tribal rights under the Settlement Contract approved by section 5 of this Act, and the water rights adjudicated by final decrees in general stream adjudications consistent with such contract, shall inure to the benefit of the Tribe, and the Tribe shall not be denied all or any part of such rights absent its consent unless such rights are explicitly abrogated by an Act of Congress hereafter enacted.

SEC. 11. DISCLAIMER.

Nothing in this Act shall be construed to alter, amend, repeal, construe, interpret, modify, or be in conflict with the provisions of the Boulder Canyon Project Act (45 Stat. 1057); the Boulder Canyon Project Adjustment Act (54 Stat. 774); the Colorado River Storage Project Act (70 Stat. 105); the Colorado River Basin Project Act (82 Stat. 885); the Act of June 13, 1962 (76 Stat. 96); the Colorado River Compact of 1922 made effective by Public Proclamation of the President of the United States on June 25, 1929 (46 Stat. 3000); the Upper Colorado River Basin Compact (63 Stat. 31); the Rio Grande Compact (53 Stat. 785); or the Treaty between the United States of America and the United Mexican States (59 Stat. 1219).

AMERICAN INDIANS IN STATE LEGISLATURES

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102–188 (S.J. Res. 217, H.J. Res. 342), Congress and the President designated 1992 as the Year of the American Indian. This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we as a Congress have been struggling with for over 200 years. In support of the Year of the American Indian, and as part of my on-going series this year, I am providing for the consideration of my colleagues an article in the March 1992 edition of the magazine State Legislatures, a magazine published by the National Conference of State Legislatures. The article highlights some of the American Indians in State legislatures throughout the United States.

INDIAN LEGISLATORS BREAK NEW GROUND

(By Judy Zelio)

In 1989 a small group of Navajo people approached Lynda Morgan with the possibility of running for the New Mexico Legislature. "I knew zilch about state politics," she says. "But I had served as a chapter secretary, an elective position. And at meetings of the Eastern Navajo Agency Council, I spoke out about issues in a way that people seemed to like." While lacking political experience, Morgan was confident of her ability to face groups. She filed as a candidate in February and took office in June—the first Indian woman ever to serve as a state legislator in New Mexico.

Morgan's total campaign chest amounted to some $200. She hung her own posters. She never ran a newspaper ad, never appeared on television. She spoke at community events and social gatherings. She had little help from other women, whose attitude seemed to be that state politics should be left to men.

Now in her second term, Morgan has proved herself an able representative of all Indian people in New Mexico. Last April the governor signed her bill for a state contract with the Institute of American Indian Arts for the promotion of Indian arts and culture.

An agency director for the Navajo Nation's Department of Youth Services, Morgan is raising two teen-age boys on her own. Her legislative district is one of sandy arroyos, red rock canyons and mesas, sagebrush and dirt roads winding out to scattered homes where Navajo is the first—and sometimes only—language spoken. Recent redistricting added about 8,000 people, primarily Anglo and Hispanic, in the town of Grants, but the district is still 62 percent Indian.

To many Navajo voters the state legislature is part of an alien government. Rather than turning to state capitols in Santa Fe, Phoenix or Salt Lake City—Navajo lands encompass territory in three states—Navajo citizens normally voice their political concerns at their chapter houses or in general tribal elections. Marshall Plummer, Navajo Nation vice president, emphasizes the importance of having Navajo state legislators to advance the tribe's social and economic goals and to educate other legislators, the non-Navajo public and members of the court system about the Navajo Nation. But many Navajos and other Native Americans still see state government as an adversary—a force ready to impose unwanted control.

In 13 states at least 32 Native American legislators currently do a balancing act between membership in a sovereign nation and service as an elected state official. Deep-seated prejudices against Indians still exist in both rural and urban areas around the country. But as Oklahoma Senator Enoch Kelly Haney points out, Indian people want the same things that any other people want: decent schools, adequate health care, good roads and comfortable housing.

Haney, the grandson of Willie Haney, chief of the Seminole Nation of Oklahoma, has

won several terms in a non-Indian district by repeating that theme. As vice chairman of the appropriations committee, much of Haney's time is occupied with Oklahoma's budget, but he also has worked effectively on behalf of Oklahoma Indians by sponsoring legislation that led to creation of the Indian Affairs Committee, the Indian Affairs Commission and special symbolic artwork and displays honoring Indian people at the Capitol in Oklahoma City. A Master Artist of the Five Civilized Tribes whose art accompanies this issue, Haney recently decided to run for the U.S. Senate, hoping to increase to two the number of Native Americans in Congress. Representative Ben Nighthorse Campbell of Colorado, previously a state legislator, is the only Native American member of Congress at this time.

South Dakota is the location of an 1890 massacre of Indian women and children at Wounded Knee, a painful event whose memory lingers among Indian people. When Governor George Mickelson declared 1990 a "Year of Reconciliation" to encourage improved relations between Indians and non-Indians, some bitterness did thaw in the warmer climate fostered by the declaration.

Paul Valandra, a Rosebud Sioux, ran for the South Dakota Senate after serving on the tribal council. Politics are a family tradition—his cousin Cato Valandra, an adviser to President Lyndon Johnson, served as tribal president from 1962 to 1969. Valandra, who points out that tribal politics can be especially intense because members are all related to one another, anticipated that state politics would be more detached, less intimate. However, among his potential Indian constituents, Valanda faced resistance to his plan to become a legislator. Some felt the state had no business holding elections on reservations, and by participating in the election process, Valandra was acquiescing to state jurisdiction. In fact, he says, "I kind of feel that way myself. But a new movement in Indian Country is looking at taking care of local problems through political control instead of isolation. Instead of bucking the county commissioner, they'll be working to nip problems in the bud by being involved at the beginning."

Valandra had found himself frustrated that neither major party recruited or supported Indian candidates. He first ran in 1988 as an Independent, losing by just nine votes in a district that was more than 80 percent Indian. Low voter turnout played a big part in his defeat. Since his 1990 election (as a Democrat), which coincided with the Year of Reconciliation, Valandra believes that his constituents are paying more attention to the actions of state government as well as to his own activities as a legislator. He would like to see even more interest. During recent redistricting activities, his Indian constituents opted to keep their district's current configuration. They realized that, since many of them are not very active in state politics, the 85 percent Indian nature of the district is probably more useful to them than changing its makeup might be. The state cooperated with that choice.

Valandra considers many Indian issues to be much the same as those of other minority groups in the United States, although economic problems are at least as prominent as racial problems. "Jesse Jackson's term 'economic violence' is what the struggle is all about," he says. "We still have no control over our economic system." Poor Indians suffer in ways similar to other minorities, but the unique status of Indian tribes as a fourth level of government in the American system, their strong attachment to particular geographic locations and their isolation, all magnify the problems of rural poverty.

Valandra would like to effect some economic and social change, but has to take it slowly, representing as he does both Indians and non-Indians. He hopes to avoid getting tangled in questions of state-tribal jurisdiction. He comments wryly, "It's very easy to look back and see there's nobody behind you." In supporting the imposition of tribal liquor licenses and excise taxes on non-Indian businesses located on Indian land, Valandra feels he is backing Sioux efforts to deal with alcoholism problems among their people. In the delicate balance between tribal sovereignty and state regulation, he tries to walk carefully. "I'd like to see an Indian Affairs Commission set up that could make binding recommendations for state government. I'd also like to see the attorney general's office give mediation a chance before litigating. We've wasted a lot of time, effort and money. I don't think it would usurp the AG's authority, but it would provide more peripheral vision on some of these issues."

Valandra is director of employment and training for the Rosebud Reservation. He and his wife, who recently opened a law practice in Mission, have four children. "Paul's a good guy," says South Dakota Senator Jim Dunn. Russell Hawkins, chairman of the Sisseton-Wahpeton Sioux Tribal Council agrees: "I think he'll be good for the whole state."

Maine's Native Americans can claim a much longer history of political contact than can the people of the Plains. Descended from a long line of Chiefs and tribal governors, Penobscot Representative Priscilla Atten occupies an unusual position among legislators. She and Madonna Soctomah, Passamaquoddy representative, serve in the Legislature as representatives of their tribes; they have floor seats and speaking rights, but no voting rights. This practice, in formal existence since Maine became a state in 1820, is believed to predate the American Revolution. Tribal representatives' salaries, expenses and allowances, which are paid by the state, are the same as other state legislators'. Attean's balanced approach to sometimes volatile state-tribal issues may be one reason tribal members continue to re-elect her as their representative. She is active on NCSL's state-tribal relations task force and works as the Penobscot Nation's tribal-state relations officer.

Representative Scott Ratliff, a member of the Shoshone Tribe, lives in Riverton, Wyo. A career counselor at Central Wyoming College, he represents a district that includes the Wind River Reservation. "I am the only Indian in the Wyoming Legislature," he says, "and it has only been since I got into the Legislature that even the people from my county paid any attention to the reservation." The Shoshone share the reservation with the Arapaho—a tribe with whom they frequently warred during their semi-nomadic buffalo-hunting days. Each tribe maintains a separate business council, and the business of the reservation as a whole is handled by a joint business council.

Vocal on social issues, Ratliff is especially frustrated by the failure of all governments to address effectively problems of national scope. "We need to face big problems and solve them. We're letting the courts do the work because we're afraid to. Substance abuse is at the root of so many jail sentences and car accidents, and of welfare dependency, but both the Legislature and the community are reluctant to really look at these issues. We wait until the feds throw the problem to us, then talk about how we can't have a tax increase." With six years on the appropriations and management committees, Ratliff is concerned not just with Indian issues but with the quality of life for all the rural people of Wyoming. In describing the rationale behind a newly published book on tribal government, he says: "If the state, county and Wind River tribes are ever to solve mutual problems, they must first understand each other's governments and values." While confessing to some uncertainty about the real meaning of tribal sovereignty, he urges states to treat tribal governments as they would the government of another state, acknowledging their rights to respect and legitimacy.

As more responsibility is returned to tribal governments and more opportunities arise for state and tribal governments to work together, the role of Native Americans in mainstream politics can only expand. To that end, in 1991 they established the National Council of Native American Legislators to work on social and political issues that affect Indians and to increase their participation in state politics.

REV. VERNON SHANNON HONORED AT ST. CATHERINE'S CHURCH

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mrs. LOWEY of New York. Mr. Speaker, it is indeed an honor to rise to pay tribute to Rev. Vernon Shannon. I know that the good people of St. Catherine A.M.E. know full well that in Reverend Shannon they have a leader who is fully committed to his congregation and to the community at large. Indeed, at a time when tension and conflict tear at the fabric of our society, Reverend Shannon is a leader in the cause of promoting understanding. He has truly been a builder of bridges.

Through 20 years of service, Reverend Shannon has been a force for change. Under his strong leadership, St. Catherine's Church has assumed an increasingly prominent role in New Rochelle. The church has increased its role as a home to community groups, a center for the life of its parishioners, a place for education and music, a partner in the war on poverty, a builder of affordable housing, and a caretaker of New Rochelle's elderly.

Reverend Shannon understands how critically important it is that our Nation be pulled together, not torn apart. He has been at the forefront of the important work of the Westchester Coalition for Mutual Respect. Together with a diverse group of religious and lay leaders throughout Westchester, Reverend Shannon has been a voice of conciliation and understanding. He has spoken out against hatred and bigotry and has worked tirelessly to resolve conflicts. Through that work, Reverend Shannon is an important messenger of hope.

While we celebrate his 20 years as Pastor at St. Catherine's, we know that Reverend Shannon will continue his leadership and dedication which extend far beyond his own church. He is a recipient of the Westchester County Community Service Award, the highest award given by our county. He has also re-

ceived numerous well-deserved honors and citations from local and national organizations.

Mr. Speaker, Reverend Shannon is indeed a special person. His capacity to bring people together in pursuit of common goals has been a dynamic force in Westchester County over the last two decades. At this juncture, our Nation needs leaders like Reverend Shannon who understands that our future depends on working together and that all suffer when tensions, hostility and bigotry take hold. I know that he will continue to be an inspiration for harmony and compassion, for progress and hope.

CONGRESSIONAL SALUTE TO THE BELLEVILLE PUBLIC LIBRARY OF NEW JERSEY UPON THE CELEBRATION OF ITS 90TH ANNIVERSARY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. ROE. Mr. Speaker, this year the residents of my congressional district and State of New Jersey will join together with the Honorable Mayor Marina C. Perna, and other esteemed dignitaries to celebrate the 90th anniversary of the founding of the Belleville Public Library and the complete redesign of this historic building. I know that you and our colleagues here in the Congress will want to join me in extending our heartiest congratulations and best wishes to the distinguished director, David Bryant, other officers, trustees, and community leaders who have actively participated in the organization and administration of this prestigious educational and cultural center of current and historic collections of literacy and artistic materials which have truly enriched our community, State and Nation.

Mr. Speaker, the exemplary leadership and outstanding efforts of our citizens so important to our quality of life are in the vanguard of the American dream and today we express our appreciation to the people of the city of Belleville who, through their fidelity, devotion, and personal commitment have provided a haven for knowledge, learning, wisdom, and enlightenment for young and adults alike—the Belleville Public Library. I particularly commend to you the honor roll of distinguished citizens who have served the library as officers or trustees over this past 90 years. The current roster of the board of library trustees of the Belleville Public Library is as follows: James J. Cazzarelli, Jr., president; the Honorable Marina C. Perna, mayor; Ms. Barbara A. Spillane, secretary; Mr. Joseph T. Casale, treasurer; Mr. Ralph J. DiRuggiero; Mr. Michael Nardiello, superintendent of schools; Mr. Kenneth R. Broo; and Mr. David Bryant, library director.

Mr. Speaker, the Belleville Public Library is steeped in the history of the community and the devoted services of its citizenry. In 1902, Belleville's Tuesday Afternoon Reading Club found itself in need of space for its shared book collection of over 4,000 volumes. Needed also were rules about loaning books to people in town. The Reading Club rented a storefront on William Street, stocked it with books, scheduled hours based on availability of volunteers and brought the value of a community library of good reading to the people of Belleville.

Across turn-of-the-century America, many towns had similar public library origins, based on the collective effort, wisdom, and treasured books of community volunteers like Belleville's Tuesday Afternoon Reading Club. What these good groups needed were permanent homes—public libraries—that would house books, offer reading rooms, and provide access to magazines and newspapers. These permanent homes would also need public support, a small portion of local taxes going into their maintenance and staffing. They would become America's public libraries.

Belleville's Tuesday Afternoon Reading Club would find the answer to its building needs, just as more than 1,600 other American communities would, in the generosity of Andrew Carnegie. An industrial empire amassed by Carnegie, gave the Nation's most generous benefactor the means to build public libraries across America, from small towns to big cities.

When a town decided that it would approach Andrew Carnegie to fund a public library, it needed to provide some background information that would prove it could not only construct a building full of books but keep it open as a library, keep its book stock fresh and make it an ongoing part of a community's cultural life. The Tuesday Afternoon Reading Club was ideally placed in Belleville's life to do this.

The success of the storefront library was easy to document. The library expanded hours after it opened in 1902 and continued to add to its schedule and its book collection from 1903 through 1910. The library has proven itself a cultural benefit in local life. Petitioning town government for help in acquiring property would be the next step. At the same time, subscribers were sought to contribute to a site fund to be assisted by municipal support. Land on the corner of Washington Avenue and Academy Street was available, affordable, and ideally located in the downtown business district.

The pieces for Andrew Carnegie's funding were in place when the noted Belleville architect, Charles Granville Jones was selected by the library committee to design the home of Belleville's Public Library. Carnegie offered few hurdles for towns seeking his funding for their libraries, but he insisted that the building he was paying for "look like libraries." With its compact classicism, its strong stone and brick exterior, columns and pediment at entry, and placed on a sloping lawn, the 3,600 square foot library that Jones drew met Carnegie's test—it looked like a library—and it quickly became a source of local pride. Its construction cost $20,000—materials and labor $5.50 per square foot.

Meeting for their first time in their brand new Carnegie Library in October 1912, the library board was overseeing a library that would continue to grow in popularity and book collection. The simple, understated interior was the scene of monthly meetings by the library board. An early issue for this board, led by President Streeter, was whether to have a telephone in the library. The resolution: The library would have a telephone, linked to an existing Academy Street party line, but the telephone number would be unlisted.

This 90th anniversary year, 1992 follows all of that progressive history for Belleville's Public Library. It follows too what may have been the library's most remarkable year of all—1991. Last year three projects merged to produce a library that will receive national notice and more important, serve the needs of Belleville for decades to come. It was the library's good fortune to inherit the estate of Miss Helen Van Brunt, who filled her home with books and music. This bequest allowed Trustee Cazzarelli to take on his largest renovation project to date—the redesign of the original Carnegie Library interior and the stacks portion of the 1929 addition. The result is breathtaking. It is anchored in a renaissance use of rich colors, combined with faux stone and marble surfaces. The lighting is at once high technology and soothing, looking like an Art Nouveau installation from 1911—with the lighting power we expect in the 1990's. The Carnegie Library's original Washington Avenue entry, framed by columns and pediment was said to have been lost in the 1981 expansion. Now, it has been honored and recreated in the new Carnegie Room. This reference to tradition combines with other classical elements to put the Belleville Public Library's interior in a category of its own in New Jersey—and in the Nation.

Mr. Speaker, in reflecting upon the history of our great country and the deeds of our people who have made our representative democracy second to none among all nations throughout the world, I am pleased to call this 90th anniversary celebration to your attention and seek this national recognition of the people of the city of Belleville in bringing fruition, maintaining and expanding its public library for a communion of understanding, exchange of ideas, recreation, and communication of the arts, cultures, and sciences of the past, present, and future. We do indeed salute the trustees and administration of the Belleville Public Library upon the celebration of their 90th anniversary and commemoration of their main library, the Carnegie Library, as a historic landmark.

INTRODUCTION OF H.R. 5100

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. LEVIN of Michigan. Mr. Speaker, today, I join Chairman ROSTENKOWSKI in introducing H.R. 5100. I congratulate him for his vision and leadership in introducing this comprehensive trade package. I support this legislation as a vital step forward in an area in which America fell dangerously behind in the 1980's.

For too long we have been nibbling around the edges of our trade problems—responding haphazardly while our industrial base eroded and our businesses and workers were treated like second-class citizens abroad.

Today, we emphatically reject such aimlessness, as we take a major step in setting trade policy for this Nation and ensuring a future for industrial America. Today, we are saying it

does matter whether industries like semiconductors, autos, auto parts, machine tools, and steel not only survive—but thrive. Today, we are finally saying "enough is enough" to Japan and other trading partners who practice one-way trade.

Today, we are standing up for our workers and businesses at home by making sure they are given the chance to compete abroad.

This bill is national in scope and internationalist in perspective. It looks outward, not inward, by focusing on opening foreign markets to high-quality American goods.

It starts by reenacting Super 301, the tough, effective market-opening measure that expired last year. It focuses on the most costly unfair trade practices by saying we won't allow American auto parts makers to be driven into extinction by closed markets in Japan and predatory keiretsu relationships in the United States.

It fights for semiconductors and other high technology industries by making it more difficult for other countries to violate trade agreements. It closes loopholes that permit foreign companies that dump their products to thumb their noses at U.S. court decisions.

Like our competitors in the European Community, the United States will indicate for the first time that a strong, indigenous motor vehicle industry is important as a matter of national policy—and we will not sit back as it loses $20 million a day.

Like the EC, we are telling Japan there are limits to what we will tolerate in our own market while foreign sales in Japan remain at an anemic 3 percent. Last year, Japanese auto manufacturers made about $10 billion in their own, virtually closed market, while losing about $3 billion in the United States. They used the profits in the former to gain market share in the latter.

This bill instructs the administration to begin auto trade talks with the Japanese—focusing on imports and transplants. But it also says that Congress will adjust any such limits upward by the number of American cars we sell in Japan.

The livelihood of some 3 million workers in industries ranging from computers-to-glass-to-steel depends on the American auto industry. American companies now make some of the best cars in the world. But we cannot hide the fact that these same companies lost $10 billion last year. Or that GM announced 70,000 layoffs in December.

And we can't continue to watch other countries carve up the world's markets while our own auto workers are handed pink slips.

Two competing views have emerged about the state of industrial America. One focuses on a few healthy sectors and says "Everything Is Fine." Another says the last 10 years have not been good ones for industries ranging from semiconductors to auto parts and that we continue on this path at our own peril.

The 1990's simply cannot be a repeat of the 1980's.

Today, we are saying we are not powerless to shape our own destiny—that we must take the future into our own hands.

This bill places responsibility on industry, tying active Government policies to efforts by industry to become more competitive.

But the need for America to put its own house in order—whether improved education or policies stimulating savings, productivity, or economic growth—is not an excuse for the lack of a trade policy that brings about a level playing field for American businesses and workers. This persistent unevenness has resulted in a sick economy. It is time indeed for a change.

END MEDIA CENSORSHIP OF THE HOUSE OF REPRESENTATIVES

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. DREIER of California. Mr. Speaker, I would like to submit for the Record a copy of C–SPAN's letter protesting the House Rules Committee vote to exclude its cameras from Wednesday's meeting on the rescission bill. The letter makes note of the fact that print media was allowed to remain while C–SPAN viewers were singled out for this blatant act of censorship.

As James Madison once said: "A popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy, or perhaps both." Clearly, the Rules Committee action was both a farce and a tragedy, and I hope we can make a bipartisan effort to ensure that a dangerous precedent is not set.

MAY 5, 1992.

Hon. JOE MOAKLEY,
Chairman, Committee on Rules, U.S. House of Representatives,
Washington, D.C.

DEAR CHAIRMAN MOAKLEY: This is to register with the Committee on Rules C–SPAN's strong protest of its exclusion from today's hearing.

The Committee's decision to ban television cameras from coverage of an important meeting at which national spending issues are decided is disturbing in its own right. The Committee compounded the injustice by permitting the print press to remain even as the electronic press were instructed to dismantle and leave the room. Clearly, the Committee was not concerned about the release of sensitive information if the print press were allowed to remain. Yet it chose to select among the media, to the detriment of C–SPAN's audience.

Today's decision is also of concern given the recent history of your personal cooperation with C–SPAN in arranging for our televised coverage of Rules Committee hearings. Our hope is that today's decision is an aberration, and that the Committee will return to its past practice of equal treatment of news organizations.

Sincerely,

BRUCE D. COLLINS,
Vice President & General Counsel.

DEFENSE DIVERSIFICATION AND COMMUNITY ADJUSTMENT ACT OF 1992

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. GOODLING. Mr. Speaker, the changes in the former Soviet Union, Eastern Europe, and throughout the world have forced Members of Congress and the President to reevaluate where the lines on defense spending will be drawn. Both the administration and the Congress must address the problems that this country will face as we move to reduce the amount of money we spend on defense. Today, I am introducing the Defense Diversification and Community Adjustment Act of 1992 to help facilitate the diversification of defense-related businesses and the adjustment of defense-related workers.

Economic conversion will occur, and I believe that Congress and the administration must act accordingly to aid the businesses and workers that helped this country win the cold war. The Congress, in particular, must take positive and constructive action to aid in this process.

There are Members of Congress who believe that all of the defense moneys we save should be spent on domestic needs. They call this the peace dividend. Frankly, I believe there is no peace dividend for a person who is handed a pink slip because of a canceled contract or a closed plant. With this in mind, we need to utilize some of the projected savings to offset the hardships that businesses and workers involved in the production of defense material will experience. We have to provide the resources for defense-related business to convert their energies to the production of commercial goods or to stay in business until their special skill is needed again. This money would be better spent on these workers and businesses now, not later. If we continue to wait and address the need when these workers are unemployed, the economic and social costs will be extensive.

Mr. Speaker, the Department of Defense already operates an office that has the skill needed to deal with the conversion issues affecting our defense producers. The Office of Economic Adjustment is currently working in communities across America providing limited financial and technical assistance to businesses, workers, and communities affected by defense downsizing. I believe we can enhance this office by providing an Assistant Secretary for Economic Adjustment to work in coordination with the Secretary of Defense. My bill creates this position.

This new Assistant Secretary of Economic Adjustment will also have three directors to assist in critical areas which need to be addressed as our defense industrial base diversifies. These directors will be responsible for Community Assistance Grants, Diversification and Adjustment, and Dislocated Workers. They will work with communities, businesses, and potentially dislocated workers to encourage and facilitate long range planning to ease the problems that have, and will, occur as a result of defense downsizing.

The Director of Community Assistance Grants will be responsible for aid to communities that are substantially or seriously affected by defense cuts. This individual will also aid in the formation of a Community Adjustment Committee that will include representatives from the different sectors of the communities. The Community Adjustment Committee will then be eligible for direct assistance in grants from the Department of Defense to aid in planning adjustment.

The Director of Diversification and Adjustment will be responsible for the facilitation of aid to businesses as well as aid to businesses to retain critical technologies. This director will work to effectively assist defense related businesses in the conversion to commercial production and will also be able to provide technical experience to aid in this area. Finally, this Director will be instructed to work with Defense Advanced Research Products Agency [DARPA] to help retain critical technologies of certain weapon systems.

The Director of Dislocated Workers will be responsible for improved worker notification and also in working with the Department of Labor to develop a means to assist in the adjustment of the defense-related workers. This would also entail identifying areas where businesses and workers would be substantially and seriously affected. This director will also work with the Secretary of Labor to develop a grant system to provide States with adequate resources to assist eligible defense workers.

Title II of my bill would provide an additional $250 million over a 5-year period for employment and training assistance to defense-related dislocated workers. This legislation would build on the current program that was put in place in the National Defense Authorization Act for fiscal year 1991. This legislation would also amend title III of the Job Training Partnership Act providing for the timely transfer of funds from the Department of Defense to the Department of Labor for the provision of services to workers losing jobs through a closure or realignment of a military facility or the cancellation of a defense contract.

My bill expands eligibility for employment and training assistance under this program for those losing jobs directly through the cancellation of a contract, or the closing of a defense facility, extending eligibility to people in a seriously affected community, whose job loss can be attributed to defense cutbacks in that community. It addresses concerns expressed over the delays in the current program between the time of actual dislocation and the receipt of grant moneys by allowing 20 percent of the program's funds to be distributed by a formula, to be developed jointly by the Departments of Defense and Labor, to those States most adversely affected by defense cuts, with the remaining 80 percent of the program money to be distributed based on the current grant application process. Finally, my bill also makes changes to the current Dislocated Worker Program to make the program more applicable to defense-related dislocated workers.

I believe we have an obligation to help the large and small businesses that have provided this Nation the best and most technologically advanced products for our Nation's defense. My legislation would provide aid to most large and small businesses that have a stake in converting their defense production to commercial industry. For this purpose, my bill would authorize $250 million for the Department of Labor to be used for JTPA programs and $250 million for the Department of Commerce's Economic Development Administration over the next 5 years. In addition, the new Assistant Secretary of Economic Adjustment would be given $500 million for conversion activities over the next 5 years. Finally, this legislation will instruct the new Assistant Secretary to coordinate activities with the Administrator of the Small Business Administration to provide assistance to qualified small businesses.

Mr. Speaker, my bill attempts to improve upon many programs which we already have in place. It attempts to provide a solution to many of the problems that economic conversion will cause for policy makers and elected officials. We need to act now to provide an effective response to any future cuts in defense. We have to act responsibly and constructively for our communities, our businesses and our workers to provide appropriate diversification and adjustment assistance. I urge my colleagues to examine the issues involved and to lend their support to this urgently needed legislation.

TRIBUTE TO THE HONORABLE MARY KASTEN

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. EMERSON. Mr. Speaker, I rise today to pay tribute to the State representative who represents my hometown of Cape Girardeau in the Missouri Legislature. Mary Kasten is a person who immediately earns the respect and garners the undivided attention of those around her. Whether it be a long-time friend, colleague, or someone she's just met, Mary Kasten's genuine warmth and personality win you over.

Mary deserves special recognition today for a project that just a few years ago was nothing more than a dream. Soon, the community caring council will celebrate its third annual meeting. The council with its motto "Empowering Families To Become Self-Reliant, Resourceful and Responsible" was indeed the brainchild of Missouri State Representative Mary Kasten.

Now, Mr. Speaker, I have known Mary, her husband Dr. Mel Kasten, and their family for a long time. We have discussed many initiatives and shared quite a few triumphs in that time, but rest assured—none of them compare to the unheralded growth and acceptance of the community caring council.

The whole concept for the council was born out of Mary's frustration with "the system." She considered at length how our constituents could be better served with the programs and agencies already in place at the local, State and Federal levels in cooperation with private sector organization. Out of her dedicated effort, Mary singlehandedly carried the torch on this cause throughout Missouri and in the State capitol—thus came the community caring council.

In brief, the council promotes coordination and cooperation between social service providers, churches, the business community, and the education system, in order to empower families and individuals to realize the personal goals of self-reliance, responsibility, and resourcefulness. The combined efforts of the "local" council are at the root of the "one-stop-shopping" initiative for welfare and social services that I have been working on throughout my years in Congress. Through this combined network, the task is to identify gaps in services, eliminate duplication, enhance existing programs, and see progressive and creative ways to develop new resources with the goal of helping people help themselves. As the council's mission statement says:

> The caring and commit of the Council membership will restore the concept of a truly 'helping' community in the old-fashioned sense and serve as a model project for others to duplicate.

In closing, I again want to praise State Representative Mary Kasten of Cape Girardeau, the founder of the community caring council, for her hard work and dedication to this program she, and I, so deeply believe in. The social ills the council targets to address—homelessness, hunger, illiteracy, drug abuse, teen pregnancy, child abuse and neglect, poverty, and isolation affecting both the young and old—were not created overnight, and neither will the solutions. But just like the plaque that hangs in Mary's kitchen says:

> There are those who curse the lock while others search to find the key.

Mr. Speaker, when individuals come together, form a team, and put forth a unified effort, change can occur. And in this instance, it will definitely be a change for the better in each community and America overall. Mary and the community caring council have given us the key.

TRIBUTE TO THE RECIPIENTS OF THE DEPARTMENT OF THE SACRAMENTO AREA FEDERAL EXECUTIVE EMPLOYEE OF THE YEAR AWARDS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. MATSUI. Mr. Speaker, I rise today to congratulate the recipients of the Department of the Sacramento Area Federal Executive Employee of the Year Awards. The Sacramento area has over 20,000 Federal employees so these award winners represent truly outstanding commitment to their jobs, their community, and the Federal Government.

I would like to take this opportunity to share with you this year's winners. They are:

Outstanding Professional Employee—Dr. Charles Smith, Environmental Coordinator, Mather Air Force Base; Outstanding Secretary—Jewel Van Dewerker, Secretary, Mather AFB; Outstanding Supervisor—Janet Lopez, Supervisory Contract Specialist, Sacramento Army Depot; Outstanding Technical Employee—Patricia Maggard, Social Service Representative, Sacramento Army Depot; Outstanding Administrative Employee—Robin Pohl, Personnel Staffing Specialist, Internal Revenue Service; Outstanding Clerical Employee—Geri Ryan, Labor Relations Clerk, Internal Revenue Service; Outstanding Front-Line Employee—Roger Scott, Administrative Services Specialist, McClellan AFB; Outstanding Manager—Robert Lamora, Airway Facilities Sector Manager, Federal Aviation Administration; Outstanding Trades and Crafts Employee—Kenneth Davis, Telephone Mechanic Foreman, Mather AFB;

Outstanding Employee Team—Blanket Purchase Agreement Process Action Team, Sacramento Army Depot; and Community Service Award—Brenda Bennett, Group Secretary, Internal Revenue Service.

Mr. Speaker, these Federal employees have shown remarkable skill and dedication and are truly worthy of our recognition. I ask you to join me in congratulating these outstanding individuals.

COST-EFFECTIVE ENGINEERING PROJECT HONORED

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. PICKLE. Mr. Speaker, I would like to recognize for the record the achievement of some of my constituents in the Austin office of the CH2M HILL consulting firm, which has recently been recognized with an Honor Award from the American Consulting Engineers Council. John McLeod and his colleagues in Austin have designed an underground water storage and recovery system for Kerrville, TX, that has saved approximately $29 million by eliminating the need for a surface water reservoir and postponing the expansion of a water treatment plant. CH2M HILL also won an award for the project from the Texas Consulting Engineers Council.

CH2M HILL designed an aquifer storage and recovery [ASR] system for Kerrville and the Upper Guadalupe River Authority [UGRA], that uses a naturally occurring aquifer to store treated water. During summer months or drought periods, when water demand is high, the water can be pumped out of the aquifer into the water distribution system. The ASR alternative cost $2 million, in contrast to the previously planned $30 million surface reservoir. The water treatment plant expansion, postponed indefinitely, would have cost $4 million.

Many of my colleagues may be aware that CH2M HILL is one of the largest environmental consulting engineering firms in the Nation. I think we should all be grateful for the good work that CH2M HILL has done on this project and the money that the CH2M HILL design has saved taxpayers. I am pleased that CH2M HILL has been recognized by a national group for its work.

SYMRA BRANDON HONORED BY THE SOCIETY OF NEGRO BUSINESS AND PROFESSIONAL WOMEN

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mrs. LOWEY of New York. Mr. Speaker, I rise today to pay tribute to Symra Brandon, as her abilities and achievements are honored by the National Association of Negro Business and Professional Women's Clubs as their Woman of the Year. It has been my privilege to have worked with Symra Brandon over the years, and I know her to be a dedicated and effective leader.

After receiving a bachelor's degree in sociology from Morgan State College, Ms. Brandon settled in Yonkers and began a career of public service. Beginning as a caseworker with the Westchester County Department of Social Services, over the last 22 years she has served Westchester in many capacities: senior caseworker, psychiatric social worker, staff development specialist, and program administrator. During her rewarding career, she has also taken on leadership responsibilities with the Association of Black Social Workers and the National Association of Social Workers and its important public affairs committee.

Symra Brandon's unfailing belief in public service has also led her to include in her busy schedule the activities of many community organizations. She has served on the boards of Youth Theatre Interactions, the Day Care Council of Westchester, and the Yonkers YWCA. She also served as commissioner of the Yonkers Human Rights Commission. In each endeavor, Symra has found the energy and commitment to lead and to make contributions that have indeed made a difference in the life of our community. Despite her important work in this variety of fields, Symra Brandon has continued to enhance her own skills and knowledge through two master's degrees. She also serves on the Education 2000 Task Force, a Yonkers organization dedicated to improving the educational system in that city.

Symra Brandon has now entered the arena of political leadership. Having worked on the campaigns of Herman Keith and Joseph Burgess and as a district leader Symra has now taken a seat on the Yonkers City Council. As she works in that capacity she clearly brings a wealth of experience and understanding to the challenges faced by that city. There should be no doubt that she will indeed be an important leader on the city council and a force for consensus and effective governance.

Mr. Speaker, Symra Brandon has brought comfort to many. She has caused her diverse talents to hold families together and to strengthen the bonds that are essential to holding her community together. She has given of herself tirelessly to improve the quality of life in Yonkers and beyond. She is indeed a deserving recipient of this honor and the years of service she has ahead will add lustre to the recognition she is receiving.

ASSISTANCE FOR SERVICE MEMBERS AFFECTED BY THE MILITARY DRAWDOWN

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. MONTGOMERY. Mr. Speaker, I am introducing today H.R. 5097, a bill designed to provide particular assistance to the men and women leaving the Armed Forces because of the drawdown in military personnel.

Briefly, the measure would:

First, increase benefits under the Montgomery GI bill—active duty—chapter 30, title 38, United States Code—to $500 per month for enlistments of 3 years or longer and increase benefits under the Montgomery GI bill—selected Reserve—chapter 106, title 10, USC—to $200 per month.

Second, authorize $15 million in fiscal year 1993 and $10 million in fiscal years 1994 and 1995 for the Department of Labor to carry out its responsibilities under the Transition Assistance Program [TAP] established under Public Law 101–510 for servicemembers separating from the Armed Forces. The measure would authorize $4 million in TAP funding for the Department of Veterans Affairs for fiscal years 1994 and 1995.

Third, establish an on-job training program for individuals discharged from the armed services on or after August 2, 1990, and authorize appropriations of $75 million for fiscal years 1993, 1994, and 1995 for the program.

Fourth, provide a preference for eligible service-connected disabled veterans, recently discharged veterans, and homeless veterans in the provision of employment and training opportunities under the Job Training Partnership Act.

Fifth, provide funding for job training reintegration projects for homeless veterans under the Stewart B. McKinney Homeless Assistance Act.

Sixth, exempt certain veterans who are involuntarily discharged from the armed services from paying the VA housing loan fee.

Seventh, waive the 2-year minimum service requirement necessary to establish eligibility for veterans benefits for certain veterans involuntarily separated from active duty.

There has been a great deal of discussion in this House regarding a peace dividend, economic conversion, and the effect of military downsizing on defense contractors and their employees and civilian employees of the Department of Defense. What I have not heard in this House is serious discussion of the effect of the reductions in the Armed Forces on the men and women whose superb skills, deep and sincere commitment, and inspiring patriotism won the gulf war and the cold war.

Since the implementation of the All-Volunteer Force, and particularly since 1981, our national policy has been to provide the incentives necessary to recruit the best and the brightest of our young men and women to military service. We encouraged these talented, intelligent young people to commit themselves to the rigors of military life with a promise that, if they served honorably and well, they would have the opportunity to pursue a military career. Circumstances in the world changed dramatically and abruptly, however, and we are now forcing these same individuals to alter their life plans and establish their futures in the civilian community.

The men and women serving in our Nation's military are of the highest caliber—intelligent, dedicated, disciplined. These people are a national resource whose skills and abilities must be absorbed by and integrated into the civilian work force. In order to facilitate this transfer of talent, however, we must provide our service members the tools they need to make the adjustment to the nonmilitary workplace. The programs and benefits contained in H.R. 5097 will accomplish this goal.

I want to particularly stress the importance of section 1 of the bill which would increase GI

bill benefits. Many defense reinvestment proposals are being considered and debated, and I have no doubt these recommendations have merit. History shows us, however, that educational assistance is the single most important tool we can give our citizens, and it is the tool that most directly benefits our Nation as a whole. The World War II GI bill had a profound effect on this country. Millions of men and women who would not otherwise have continued their education past the high school level recognized the importance of the benefit being made available to them and entered colleges and training institutions all across the country. The standard of living in the United States was significantly raised and redefined because these World War II veterans furthered their education, increased their skills, and led this country into a period of productivity and prosperity unmatched in our history. We now have an opportunity to reap the same benefit if we are wise enough to invest in our newest veterans and provide them with an educational assistance benefit that will enable them to reassimilate into the civilian community and continue to be outstanding, productive citizens.

The Congressional Budget Office estimates this bill will cost $322 million in fiscal year 1993, with a total cost of $1.63 billion over 5 years.

The minority leader of the Senate, the Honorable ROBERT DOLE, is introducing a companion bill in the other body today. I appreciate the gentleman's strong support and concern for the men and women who served with great distinction in our Nation's Armed Forces and who are now being asked to continue their service to our country in the civilian work force.

I would encourage my colleagues to join me in sponsoring this bill. For those who wish to do so please contact Beth Kilker or Jill Cochran of the committee staff at 225-9166.

PENNSYLVANIA PIONEER HONORED FOR EARLY WORK ON AUTOMOBILE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. KANJORSKI. Mr. Speaker, I rise today to bring to the attention of my colleagues a pioneer in the automobile industry who, in the late 1800's, resided in Plymouth, PA.

According to eyewitness accounts by Plymouth residents, Sephaniah Reese successfully operated a three-wheel, one-cylinder engine, horseless carriage—the Reese Special—in 1884-85 on Shawnee Avenue in Plymouth.

Sephaniah Reese also manufactured bicycles in his shop and operated the first service station in the area in 1888. His company, S. Reese Machine & Tool Works, was located on West Main Street in Plymouth until 1970. His bicycles, sold under the names of "Reese" and "Shawnee," were shipped overseas and were known for their high quality. Two of these bikes still exist and are owned by Reese's grandson.

Sephaniah Reese's horseless carriage is listed in the Standard Catalogue of American Cars 1865-1942. He was among the first in the Nation to experiment with this mode of transportation. His work was little noted at the time, and because of a lack of funding, was only a hobby. Today, the Reese Special, the only one of its kind in the world, is owned by a collector in New Jersey.

Mr. Speaker, on May 31, 1992, Mr. Reese's efforts will finally be acknowledged as a memorial marker is dedicated at the site of his former shop. This marker is the culmination of painstaking research done by a young man from Plymouth, Mr. Jeffrey Selingo. Jeff won fourth place in the National History Day Competition in 1991 for his project. I am pleased to recognize the efforts of Sephaniah Reese as an early pioneer in automotive design and Mr. Selingo for his work on documenting Mr. Reese's life. I commend Mr. Selingo for a job well done and wish him continued success in all future endeavors.

ISRAEL INDEPENDENCE DAY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. WAXMAN. Mr. Speaker, 44 years ago, the remnants of European Jewry fulfilled an ancient dream by establishing a haven for homeless Jews from around the globe in the land of Israel. I rise to ask you and my colleagues to join me in wishing the State of Israel well on the occasion of her 44th independence celebration.

Clearly, this has been another difficult year for the State of Israel. While no Scud missiles have fallen on Israel during the past 12 months, the pernicious violence of the intifada continues and Israel's neighbors remain hostile.

Sadly, to the only democracy in the Middle East such violence and hostility represents nothing more than "normalcy." In fact, if hostile neighbors and the intifada were the only problems confronting Israel this year, many would consider this year to be an improvement over the last. Unfortunately, after surviving an acute conflict with a sworn enemy, Israel is now facing a more painful conflict—the unraveling of the longstanding relationship between Israel and the United States.

Mr. Speaker, every Member of this House is well aware of the manner in which the Bush administration has been treating Israel. Whether it be Secretary Baker labeling Israel as the main obstacle to peace in the Middle East, the President himself questioning the right of Jewish Americans to petition their government concerning Israel, or an unnamed "leaker" in the State Department or the Pentagon making blatantly false claims about Israel's handling of sensitive technology, this administration has been going after Israel with unprecedented ferocity.

In going after Israel, the Bush administration appears to have even outdone Israel's more traditional adversaries. Our new good friend, Hafez Assad of Syria, now thinks that he can count on George Bush to deliver the Israelis. King Hussein of Jordan now knows that his support for Iraq is forgiven and forgotten. Meanwhile, Israel, which absorbed 40 of Saddam's Scud missiles during the Persian Gulf war—and did not retaliate at our request—is being pressured by our government to be "reasonable."

Contrary to what President Bush and Secretary Baker claim, their actions are not helping the peace process. Their tactics merely embolden the Arabs and isolate the Israelis. If the Israelis feel isolated, how does the Bush administration imagine the peace process will go forward.

I wish this crisis in these United States-Israel relationship was only a matter of diplomacy. Instead, the tragic effect of the President's position is that the peace process is being confused with critical humanitarian assistance. Through its position, the administration is holding Soviet Jews hostage. President Bush is using endangered and frightened people to gain leverage over the Israeli Government. This is completely illegitimate and immoral. No Russian Jew should be put at risk because President Bush and Prime Minister Shamir differ on the issue of settlements.

The demand for freedom for Soviet Jews always implied a willingness by the citizens of the United States and our government to facilitate such a massive exodus of people. The Israelis expect over 1 million new arrivals within the next few years. As the most highly taxed people in the world, it is ludicrous to expect the Israelis—as much as they may desire these new citizens—to be able to absorb an additional 25 percent of their population without our assistance. Despite our own economic problems in the United States, I believe that if this issue is properly explained to the American public, our citizens would overwhelmingly support this cost free humanitarian gesture. Indeed, this assistance is cost free. These guarantees are not grants or loans. We are only being asked to guarantee loans which we know full well will be repaid in a timely fashion. If Israel—which has never defaulted on any international obligation—does not meet the standard of good credit, who does?

Were it not for the desire of Bush and Baker to impose a settlement on Israel, there would not even be a loan guarantee issue. In fact, this measure would be passed by voice vote and routinely signed by the President. I urge the Bush administration to work with Congress and Israel to allow for the immediate approval of this critical humanitarian assistance.

Last year when I rose to wish Israel well on its independence day, I urged the Bush administration to not forget the Persian Gulf war—who was with us and who was against us. This year, I again urge the administration to remember the events of last year and to keep these events in mind as they push the peace process forward.

Mr. Speaker, it is my profound hope that Israel's 45th year will bring about a return to the solid relationship of trust and respect that used to characterize the ties between Israel and the United States.

NOTED JURIST CELEBRATES 90TH BIRTHDAY

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. DWYER of New Jersey. Mr. Speaker, on Saturday, May 17, Judge Aldona E. Appleton will be honored for her many years of dedicated service to the community at a party celebrating her 90th birthday.

Judge Appleton's professional accomplishments are illustrious, and her commitment to her community and her State is extraordinary. After graduating from Douglass College and the New Jersey Law School, she was an instructor at her alma mater and a private attorney in Perth Amboy.

Judge Appleton was appointed as the first judge of the Juvenile and Domestic Relations Court in Middlesex County. Since this was a new court formed because of the rapid population increase in Middlesex County, Judge Appleton was sailing in uncharted waters. In 1969, Judge Appleton heard approximately 5,000 cases and was elevated to presiding judge when the caseload was deemed too large even for the very capable Judge Appleton. Judge Appleton also helped to establish the Juvenile Aid Bureau in Middlesex County. This statewide program trains police officers to serve and assist the youth of the State.

Judge Appleton also worked to build the Middlesex County Juvenile Care Home and provided the inspiration for a Distributive Work and Study Program at the State Home for Boys at Jamesburg. This was the first program of this type in the country.

Judge Appleton's community service is not limited to the legal profession. She has worked with the Heart Association, the Cancer Fund, the League of Women Voters, and was director of the New Jersey Dance Theater.

I am sure that the Judge has not engaged in these activities for public recognition. But she has been honored by men's groups and women's groups, religious and ethnic groups, law enforcement associations and legal associations. Judge Appleton also was recognized nationally when she was appointed a delegate at the Bretton Woods Monetary Conference.

Mr. Speaker, it is my pleasure to join in the celebration of this truly remarkable woman.

TRIBUTE TO ROBERT E. HIRSCHFIELD

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. TRAXLER. Mr. Speaker, I rise to honor Robert E. Hirschfield for his excellent contributions to the Boys and Girls Club of Bay County, MI, which is located in my district. On May 14, 1992, he will receive the Boys and Girls' "Helping Hand Award" which is presented to persons who have enhanced the quality of life for community residents.

Bob is a lifelong resident of Bay City and a local businessman. After graduating from Dartmouth College and a 3-year stint in the U.S. Navy, Bob came home to join his father in a family business, H. Hirschfield Sons Co., which had been founded by his grandfather over 100 years ago. Bob is president of this thriving enterprise which began as a small scrap yard and today encompasses a scrap processing yard, a steel service center, a home center, and lumber yard. He is proud that the company has provided many jobs locally and has used local products in conducting the business. In addition, Bob is president of Modern Machine, a company that manufactures testing devices for the auto industry.

Over the years, Bob has been a very visible community supporter. He served on the boards of the Boy Scouts of America, Bay Medical Center, and Peoples National Bank and Trust Co. Many other organizations benefit from his generous donations of time and talent, as well as financial support. The Boys and Girls Clubs of Bay County, Big Brothers/Sisters, Kiwanis Goodfellows, the YMCA and YWCA, and the United Way of Bay County have known his generosity.

It is indeed an honor to pay tribute to Bob Hirschfield, to speak of his accomplishments, and to concur in the awarding of this significant recognition.

TRIBUTE TO THE BAY RIDGE DAY NURSERY

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Ms. MOLINARI. Mr. Speaker, in the Bay Ridge community of Brooklyn on May 15, 1992, a very special event will take place. The Bay Ridge Day Nursery will be celebrating its 75th anniversary, a testament to the important role it plays in the lives of many families in the community.

The Bay Ridge Day Nursery was founded in 1917 as the United States entered World War I, when a committee of interested citizens became concerned about day care for children, since many women were entering the work force. Since its inception, the nursery has expanded into a program that provides full, year-round care to children in the community. With a well-trained staff, the nursery provides the children with a healthy environment to aid in their growth and development.

The Bay Ridge Day Nursery has committed itself to the idea of day care as a comprehensive service. It believes that day care is a vital and integral part of services to be provided to the child and his family.

Mr. Speaker, it is with great respect and admiration that I congratulate the Bay Ridge Day Nursery upon its 75th anniversary I extend my personal thanks and gratitude on behalf of the Bay Ridge community. May they continue to provide the community with their irreplaceable service for many more years to come.

A TRIBUTE TO THE STUDENTS OF ST. BARTHOLOMEW SCHOOL

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to the students of St. Bartholomew School in Forest Hills, Queens.

On November 19, 1991, the student body of St. Bartholomew overwhelmingly ratified the new constitution for their student council. This marked a milestone for St. Bartholomew located in the Elmhurst section of Queens. The school has been reorganized and sent in a new direction with the overwhelming popular endorsement of the student council and its goals by the students to whom it is ultimately responsible. The ratification of the new constitution is significant because it put an end to a period of uncertainty in regard to the future existence and survival of the student council. The representative council will now lead the students of St. Bartholomew into a new era with leadership and confidence.

The functions of the representative council are to serve the administration and faculty in an advisory capacity in a common effort to fulfill the needs and aspirations of the entire student body; to encourage a high standard of scholarship and develop a sense of responsibility with each student; to inspire a spirit of pride amongst students; to foster the qualities of leadership within each student; and to contribute to the general welfare of St. Bartholomew School and of the Elmhurst community.

Under the leadership of Sister Augusta Conter, O.P., principal, and Mr. Thomas Straczynski, moderator, the representative council of St. Bartholomew School can now lead the students confidently into a new era in the 20th century. I also commend the president of the representative council, Erex Mar Fontanilla, and its vice president, Joseph Pena.

Mr. Speaker, I call on all my colleagues in the House of Representatives to join me in congratulating the students of St. Bartholomew School on the ratification of their new constitution.

A CONGRESSIONAL SALUTE TO DOROTHY CAKE BELANGER ON THE OCCASION OF HER GRADUATION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. ANDERSON. Mr. Speaker, I rise today to take note of the graduation season that is now upon us. Tens of thousands of young Americans will be graduating from universities and colleges throughout this country. These individuals are to be commended. Their work and their efforts are self rewarding.

Mr. Speaker, I rise today, however, in order to make a special commendation. I rise today to salute a friend and constituent, Mrs. Dorothy Cake Belanger. Mrs. Belanger, affection-

ately known as "Dottie" to all of her many friends, is among this year's graduates. She, however, is graduating at the age of 44 after a life that has been crowded with pitfalls that would have devastated a lesser individual.

Daughter of Judy Dean Cake and the late Charles Norman Cake, Dottie graduated from Palos Verdes High School but did not immediately think in terms of advanced academic experience. A person who grew up in the difficult years of the 1960's and 1970's, Dorothy fell victim to some of the temptations of the period and went through a dark night of the soul.

To this courageous woman's eternal credit, she sought out and found a program of recovery but faced an uncertain future as she launched her life in recovery. A mother of four with a limited education does not find it easy in life's mainstream. What to do? Well, I'll tell you what "Dottie" did. At the age of 40 she enrolled in Northern Virginia Community College and continued her studies at George Mason University, never achieving less than an A or B in any course during her entire 4 years of higher education.

Mr. Speaker, on May 16, Dorothy Cake Belanger will receive her degree in ceremonies attended by her husband, Clayton, her mother, Judy, her children, and a multitude of friends and supporters. My wife, Lee, joins me in saluting Dottie and all of her family. This woman is an American dream personified and I am pleased at her achievement and proud to be her friend. Dottie, your dad would be the proudest person of all.

"CELEBRATE COMMUNITY FEST" IN LAUREL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. HOYER. Mr. Speaker, on June 7, 1992, the city of Laurel will be the site of "Celebrate Community Fest," a day of community fitness and fun which will bring together each and every segment of the community in the hopes of fostering better understanding and cooperation amongst the community and its people.

Cosponsors of the event encompass a wide array of community organizations, groups, and individuals, which include: Private Industry Council of Prince Georges County; Mental Health Association of Prince Georges County; County Executive Parris Glendening; members of the county council; Prince Georges County Public Schools; Laurel Centre Mall; Laurel Boys and Girls Club; the City of Laurel and members of the Laurel City Council; Woodland Job Corps/TDC; Laurel Leader/Patuxent Publishing Co.; and the Washington Suburban Sanitary Commission [WSSC].

During the day of festivities, which includes a parade of participants, citizens will be asked to help create the world's largest fitness class in which they hope to make the "Guinness Book of World Records." Additional activities include sporting events, community exhibits, health screening and an olde-tyme family picnic.

The moving force behind the Laurel community festival has been Montpelier resident Barbara McKay Suffanti, who has been a civic activist in Laurel for many years. As the lead House cosponsor of the Americans With Disabilities Act, I am pleased that Barbara is involving people with disabilities in the planning of activities in the hopes that this event creates as Barbara says, "common bonds that knit us together."

Mr. Speaker, as one of the honorary cochairman of this event, I am pleased to have the opportunity to salute this outstanding effort and encourage the citizens of Laurel and throughout the State of Maryland to join in celebrating Community Fest on June 7.

THE RETIREMENT OF DR. TOM VAN GRONINGEN

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. CONDIT. Mr. Speaker, I rise today to honor a distinguished educator in my district, Dr. Tom Van Groningen, who is retiring after a 38-year career, all of which he served in the San Joaquin Valley of California.

Tom Van Groningen began teaching in the classroom in 1954 at the Laton High School in Laton, CA. Recognizing his leadership abilities, school officials promoted him to vice principal of Laton High School in 1959. He served as superintendent of the Laton Unified School District from 1960 to 1966. In 1966, he moved to Porterville, CA, where he served 1 year as assistant superintendent for business services of the Porterville Union High School and college district before he became the district superintendent of the Porterville public schools in 1967. He served in that capacity until 1974 when he was named as assistant superintendent for business services of the Yosemite Community College District in Modesto, CA. In 1976, Dr. Van Groningen was named chancellor of the Yosemite Community College district where he has served for the last 16 years.

Dr. Van Groningen has been recognized for his leadership abilities among educators in the State of California. He is a past president of the association of California Community College administrators. He is currently finishing his term as chairman of the finance committee for California Community Colleges chief executive officers. He is also completing his term as president of the community college MIS consortium. He is also the past president of the industry education council of Stanislaus County.

Always active in the local community, Dr. Van Groningen has served as president of the Modesto Rotary Club. He was also president of the board of directors of the Stanislaus County Chapter of the American Red Cross, and he has served as president of the Stanislaus County YMCA.

His total commitment to our community's young people will make his shoes hard to fill when he leaves. He has left our community stronger and has made a lasting contribution toward the education of the future generations of citizens of the San Joaquin Valley. We will miss him.

HONORING THOMAS COONEY, SR. "DAILY POINT OF LIGHT"

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. BILIRAKIS. Mr. Speaker, I would like to call to the attention of my colleagues the extraordinary accomplishments of Thomas Cooney, Sr., of Palm Harbor.

I am extremely proud to be able to claim Mr. Cooney as one of my constituents because he exemplifies the highest qualities of dedication, compassion, and service to his community. And for his service to others, Mr. Cooney was recently named by President George Bush the 745th Daily Point of Light.

Mr. Speaker, despite being deaf since the age of 2 as a result of an ear infection, Mr. Cooney is a volunteer sign language teacher and interpreter for the hearing impaired. For more than 40 years, beginning when he was 15 years old, Mr. Cooney has engaged in voluntary community service. Having overcome many obstacles, he has taught sign language skills to thousands of people, thus enabling both the deaf and those with hearing to lead richer lives.

A 56-year-old single father of two boys, Mr. Cooney uses his "magic hands" to help ease the communication gap between hearing and hearing impaired individuals. He has taught American sign language to policemen, leaders of church groups, bank employees, and countless others who interact with the hearing impaired. He currently teaches the language to doctors and nurses at Mease Hospital in Dunedin, Florida.

Mr. Cooney is especially committed to teaching youth and to helping them understand the way he overcame the challenge of hearing impairment. He regularly conducts two-day school visits, during which he teaches students how to sign their names, as well as songs, poems, and colloquial phrases. Most importantly, he emphasizes that deaf people welcome friendship and acceptance from the hearing. He has made a lasting impact on many of these young people, inspiring them to learn sign language, volunteer to assist the hearing impaired or eventually even become teachers themselves.

Mr. Speaker, Mr. Cooney is an individual whose life is a model worthy of emulation. He has not only overcome a difficult obstacle in life, but in doing so helped thousands of others as well. Thomas James Cooney, Sr., is indeed a point of light for our Nation. But for the people he has come in contact with, he is more like a beacon of hope, and he continues to shine every day for the people of Palm Harbor and surrounding areas.

A TRIBUTE TO THE DOMINICAN SISTERS OF SPRINGFIELD, IL

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the

outstanding work and fine public service of a special group of dedicated women in my community of Redlands, CA. For over 54 years, the Dominican Sisters of Springfield, IL, have been instrumental in providing wonderful educational experiences for children at Sacred Heart School in Redlands. The nuns will shortly be leaving Sacred Heart and returning to Illinois for their new assignments.

It's difficult to give a full measure of the immense role these women have played at Sacred Heart and in the lives of hundreds of children over the years. The nuns have been instrumental in a number of school improvements including the formation of a fully functional library, a fully functional computer lab, the addition of art and music programs, the addition of sporting activities to the curriculum, and educating the children to be whole, instilling in them moral, ethical, and social values. In addition, they have done a great deal to promote global awareness and recognizing people in the world less fortunate by having the children enroll in Mission Societies.

Mr. Speaker, I ask you, our colleagues, and friends to join me in recognizing these remarkable women who have given so much of their lives to our community and our children. To say the least, they will be greatly missed. Their years of selfless dedication is certainly worthy of recognition by the House of Representatives.

DEPLORING THE ARMENIAN GENOCIDE

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mrs. BOXER. Mr. Speaker, reading the history of the Armenian genocide is horrifying. It is a story of struggle for autonomy and independence against a backdrop of deportation, violence, and exodus. One learns of a systematic pattern of murder and brutality against Armenians from 1915 to 1923:

Leaders of the Armenian community—religious, intellectual, and political—were rounded up and brutally murdered.

Entire villages were wiped out in systematic destruction.

Armenian men of military age were conscripted into the service of the Ottoman army. These men were separated into labor battalions, disarmed, and worked to death or massacred.

Hundreds of thousands of Armenians were deported from their homeland. The men were usually murdered. The elderly men, women, and children were either jammed into boxcars without food or water, or were forced to march across Asia Minor to the Syrian desert. While walking, they were attacked, kidnapped, and raped. They died of starvation, disease, or exposure.

Other Armenians escaped to Russia, Europe, or the United States. The Armenian community in my State of California is strong and vibrant, contributing to the culture, intellect, and politics of our State and Nation. They have worked hard to remind us of the horror of the genocide and to help us learn our lesson from the brutality.

This year, the American-Armenian community saw some of its hard work pay off, when the United States recognized the independence of the Armenian state, following the breakup of the Soviet Union.

Today, Armenians struggle to bring the issue to Nagorno-Karabagh to the attention of the world. Nagorno-Karabagh is an enclave, populated mainly by Armenians, yet controlled by Azerbaijan. While the Soviet Union retained its grip over the regions, violence remained at a low level. But following the disintegration and breakup of this superpower, violence has once again become the predominant theme in the region, and Armenians are once again struggling to maintain their identity as a people and as a Nation.

During August 1991, I had the great honor of traveling in Armenia and the former Soviet Union as part of a human rights factfinding delegation, sponsored by the Andrei Sakharov Foundation.

During my trip, I met with many of the brave residents of Nagorno-Karabagh, men and women who had lost their homes in horrible raids—pogroms. The violence has ravaged families as hundreds have died and tens of thousands have lost their homes. One woman told me her story.

"Thirty men stormed into my home with masks on and guns pointed. My three children and my in-laws were there and we were terrified. They told us to get out of their country. They trashed everything in my home. We fled with nothing and will never be back.

Throughout the winter, the residents of Nagorno-Karabagh have been living underground, under a state of siege. They have no running water, no electricity, no medical supplies. Conditions grow worse and worse, day by day.

I was appalled by the violence I saw, violence which, sadly, has intensified since my trip. It seemed then, and it is even more apparent now, that there is only one answer: An outside neutral force which would stem the violence and participate in negotiations toward peace.

Thus, I proposed a U.N. presence in the region. The response of my Armenian hosts was one of great enthusiasm. Upon returning to the United States, 64 of my colleagues from both sides of the aisle joined with me in calling on President Bush to press for a U.N. force for the region.

It has been gratifying to see how positively the idea of an international presence in Nagorno-Karabagh has been responded to. Baroness Caroline Cox, whom Armenians call the "Angel of Nagorno-Karabagh" because of her tireless dedication to bringing humanitarian aid and international attention to Nagorno-Karabagh, has called for a U.N. presence. And recently, U.N. special envoy Cyrus Vance traveled through Armenia, Azerbaijan, and Nagorno-Karabagh.

An international presence in Karabagh is crucial. As Armenian Parliament leader Babken Ararktsyan has pointed out, "Regional opportunities for settling the Karabakh problem have been exhausted."

Peace depends upon turning to an outside force. First, a U.N. presence can provide necessary humanitarian relief. Second, the United Nations can help establish and ensure the vitally necessary cease-fire. Third, the United Nations. can provide the auspices under which peace talks can restart. And finally, using the tools of the United Nations can be an important precedent-setter for how the international community deals with the breakup of the Soviet Union, a breakup which now, unfortunately, we see will not be a peaceful or easy one.

We remember the horrors of the Holocaust and teach our children about the lessons of that time in order to prevent such a horrible event from recurring. We fight today against human rights abuses because we know that violence degrades the state and nation. Because we remember and fight against inhumanity, we must remember the Armenian genocide.

H.R. 4970, THE SKI AREA FEE SIMPLIFICATION BILL

HON. BEN NIGHTHORSE CAMPBELL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. CAMPBELL of Colorado. Mr. Speaker, I rise in support of H.R. 4970, a bill to simplify the formula under which ski areas pay rental fees to the United States for the use of national forest lands. It is ironic that an administration which purports to be reducing Federal regulations and is bound by a law known as the Paperwork Reduction Act is creating a paperwork and regulatory morass.

The system the Forest Service now uses consists of 40 pages of the Forest Service manual and handbook, and can be easily changed by so-called interim directives. Its provisions are subject to interpretation and this has lead to uneven enforcement from region to region. The formula is known as the graduated rate fee system [GRFS].

The system's complexity has led to increasing conflicts between ski areas and the Forest Service as to what items, facilities or concepts should be included as assessable revenue.

It also appears to have led to the creation of an entire bureaucracy within the agency to monitor the collection of fees and the necessity of ski areas, which for the most part are small business, to keep different sets of books—one set for the Forest Service and one for the IRS. Some areas even have complained of being retroactively billed for utilizing past procedures that they and their local Forest Service personnel thought were proper.

This bill will change that, and reduce the fee calculation to a simple formula based on gross revenue from a clearly defined source. This simplification will greatly reduce bookkeeping and administrative tasks for both the Forest Service and the ski areas and make business planning simpler. It will also make the similar to the way fees and royalties are collected based on gross proceeds by the Department of the Interior from oil, gas, and coal leasing.

Nationwide, there are 132 ski areas on national forest land occupying 90,000 acres, or a mere one-twentieth of 1 percent of the National Forest System. For this use, the ski industry paid an estimated $15 million in rental fees in 1991.

Skiing is by far the largest industry on Colorado's western slope, and it is the largest component of the tourism industry. Due to high retail sales from nearby businesses, the industry is especially profitable to State and local tax coffers, raising in excess of $110 million per year to these accounts.

Depsite these facts, industry estimates indicate that many ski areas lose money, are marginally profitable, and only make a modest return on investment. This marginal profitability estimate is supported by a 1989 University of Colorado study which indicated that ski area in 1989 ski areas paid the Forest Service fees equivalent to 80 percent of their profits.

The bill will also limit ski areas rental fees to activities located on Forest Service land because in recent years the Forest Service has been assessing fees against hotels, restaurants, ski shops and other activities located entirely on private lands. The twisted logic the Forest Service uses is essentially that if there was no ski area on the national forest land, there also would be no hotels, restaurants or ski shops on the nearby private lands.

A fee system that penalizes other small business and creates hurdles for entrepreneurs who want to create jobs in ski country is wrong. If the tax writing committees of Congress followed this logic, we ought to suggest that Forest Service officials pay a higher income tax because if there were no national forests or ski areas, these officials would have no job.

The bill also helps smaller less profitable ski areas. Smaller areas comprise the majority of the 132 areas located on national forest land. While these areas are not a major component of the $15 million paid to the Treasury, they are the ones who have the most difficult time surviving, unfortunately, since 1985, approximately 40 such small areas have gone out of business, with the resultant loss of opportunity for local residents to enjoy the sport of skiing in their community.

The bill will slightly lower their fees in most cases and will reduce their bookkeeping and auditing costs by making the fee formula simpler. This is particularly important because some small areas indicate they now spend more in bookkeeping and auditing fees to private consultants than they pay in actual rental fees to the Forest Service.

A great deal time and money is currently wanted haggling, appealing, and litigating over the ambiguities of the existing system and most of the arguments involve items which compromise a small fraction of the overall revenue stream to the United States. Everyone appears to agree that simplification is in order, and that is precisely what this bill does.

H.R. 3927, GOVERNMENT SECURITIES REFORM ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. DINGELL. Mr. Speaker, I am pleased to cosponsor the Government Securities Reform Act as amended today in the Energy and Commerce Subcommittee on Telecommunications and Finance. The importance of the Government securities market to the Nation argues for prompt action on the bill in order to restore the integrity of this market. The opposition of the Treasury Department and the Federal Reserve to the recordkeeping and price transparency provisions of this legislation is irresponsible and wrong-minded. One cannot credibly argue in favor of no records or false and misleading records. Such a state of affairs facilitates fraud and makes surveillance and enforcement a null set. One cannot credibly argue against investor access to Government securities market information without arguing in favor of unfair and disorderly markets. The Salomon Brothers debacle was not the finest regulatory hour of either the Treasury or the Fed. It is the responsibility of the Congress to see that there is no recurrence of that failure and that the overhang on the market caused by that debacle is removed. I am committed to working with Messrs. MARKEY and RINALDO and the other members of my committee and of the House to moving this bill and strengthening the ability of the Government securities market to perform its intended purposes.

SMALL BUSINESS WEEK, MAY 10 THROUGH 16

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. GALLO. Mr. Speaker, next week, May 10 through 16, is national Small Business Week and now is a very good time to rededicate our efforts on behalf of our small businesses.

I urge colleagues to celebrate Small Business Week by resolving to take a greater interest in making government more responsive to the needs of our small business community.

Small businesses are the engine of our economy, because they create good jobs and offer innovative goods and services that keep us competitive in world markets.

As a former member of the House Small Business Committee who has sponsored a series of seven small business seminars in my congressional district since 1986, I urge my colleagues to celebrate Small Business Week by becoming more familiar with the programs offered by the Federal Government that help small companies to grow and create new jobs.

The time has come for us all to return to the fundamentals in order to promote economic recovery and job creation.

And, there is no more fundamental principle than the basic truth that small businesses are the backbone of our economy.

When we talk about small business development, we must focus on three critical components that will make or break any business—energy, access, and opportunity.

In spite of stresses caused by the recession, I see a great many energetic individuals with innovative products and services who want the opportunity to build a business based on an idea.

Operating any small business requires a full-time commitment to be successful, but energy alone is not enough. Without access to information, financing, and support services, a small business opportunity can be lost, and we are all poorer as a result.

As Americans, we must understand that we all have a stake in the success of these innovative companies. Every time an American with a good idea fails in business, you can bet that someone, somewhere will take that good idea and turn it into a successful operation, perhaps with the help and encouragement of their government, as so often happens in Japan and elsewhere.

Government must play a role in creating opportunity by helping small businesses to gain access to information and financing, but private sector innovators must also be involved.

The key to all self-help programs, public or private, is community participation. That is especially true at times of economic stress.

As a small businessman myself, I know that downturns in the overall economy cause investment funds to dry up and that can have a devastating effect on businesses at critical stages of development. The repercussions of that crunch go far beyond the harm done to one business. Job loss and decreased buying power cause ripples across the entire region.

I believe that our first priority in Congress must be to develop policies that increase the American people's level of confidence in our economic system.

A critical element in building confidence in our economy is to create opportunities to save and invest in our future.

That is why I authored the All American Savings and Investment Incentive Act—to encourage savings, investment, and job creation with a program for all Americans.

That is also why I have been fighting hard for legislation that will restore fiscal responsibility and progrowth incentives, including the balanced budget amendment, the line item veto, product liability reform, and a capital gains rate reduction.

Long-term investment also requires a permanent research and development tax credit, as well as reinstatement of the investment tax credit and small issue industrial development bonds.

We must also look beyond the current recession and work together to create communities of opportunity by supporting our small business owners and operators in the most fundamental ways we can—by buying their products and investing in their enterprises.

In 1992, I sponsored two seminars for small business leaders in my district to bring together experts in export opportunity, an area of growth for our small businesses and for the Nation.

The first focused on women small business owners and the second provided information on opportunities within the newly formed European Community.

Small business is the key to growth and job creation, and more small businesses today are owned by women than at any time in our history.

Last year, I sponsored two events in my district, in cooperation with State and Federal agencies to help small businesses gain the information and support they need to grow.

My 1991 export opportunity seminar also focused on the question of trade with Europe,

including the newly independent nations in Eastern Europe.

My other seminar last year brought together area business owners and managers with procurement officers who contract for government goods and services.

The overflow crowd at each of my seminars has been a good indication of the underlying strength among our small businesses who are aggressively seeking to expand and develop new markets.

Since 1985, my office has been working closely with Federal and State agencies to help assist businesses by getting the right information to the right people at the right time.

Mr. Speaker, based on my experiences with the Small Business Administration, the Small Business Development Center in New Jersey, the Commerce Department and other related agencies, I believe we can make good programs even better by getting personally involved in programs that help small businesses to grow into large businesses, creating jobs and ensuring our future competitive edge.

I urge my collleagues to get involved and get some action by promoting programs that help our small businesses to grow.

KIDS STUDY ECOSYSTEM IN THEIR OWN BACKYARD

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. COUGHLIN. Mr. Speaker, the following article appeared in the October 1991 issue of Chemecology magazine in which the Lower Merion-Narberth Watershed Association is featured. I think the information in this article will benefit all of my colleagues.

KIDS STUDY ECOSYSTEM IN THEIR OWN BACKYARD

Old Mill Creek, an idyllic stream running through the Merion-Narbeth watershed in Pennsylvania, typically teams with life in the spring—crayfish, trout, salamanders, minnows and the like. But last year a new species joined the usual cast of aquatic critter, as students from nearby middle schools took to the creek to study the area's ecosystem.

The students splashed about in the water, using nets or cupped hands to capture the various creatures that dwell in the stream. Crayfish were a prize catch; leeches were met with less enthusiasm.

Gina Bezdziecki, a volunteer with the Lower Merion Watershed Association, was on hand to help the students identify their finds.

"You've found an amazing amount of things," she told them. "Using your biotic index, you can see that Mill Creek is a healthy stream." Bezdziecki then helped the children return their catch to waters. "That's their home and that's where they're happiest," she noted.

Bezdziecki and several other volunteers from the Watershed were among those who helped make the "Stream Ecosystem Survey" possible. In its twelfth year of existence, the program was the brainchild of Nancy Astor Fox, assistant director of the Watershed.

During a two-week period each spring, groups of approximately 50 sixth graders visit the stream with parent volunteers and teachers from various disciplines. The field trip is a culmination of the students' studies of the ecosystem.

"This program helps the children learn how the systems are all interconnected," explains Fox. "The best part is that the kids get a hands-on experience. They get a chance to look at the living things and to get an idea of what is living in their own backyard.

"The purpose of the trip is to look at four aspects of Mill Creek's ecosystem—pH, stream structure, chemistry and living things—and to see how they relate to each other," Fox notes.

The students are divided into groups and rotate through each of the four section. In the first sections, the students learn about the pH scale by measuring several common liquids, as well as creek water. Fox notes that Mill creek usually has a pH of seven, the same as for drinking water. Based on this similarity, Fox asks the children if the water is safe to drink. This question leads to a discussion of the other requirements for safe drinking water.

The students also learn about acid rain and its effects on aquatic life in this section. Unlike several years ago, most of the students are familiar with acid rain, Fox notes, attributing this knowledge to the recent rise in environmental concern. The concept of turbidity is explored as well.

In studying the stream structure, the student look at the physical aspects of the stream including temperature, width, depth and water velocity. They compare quiet areas, or pools, with shallow, fast moving areas, or riffles, and measure stream and land temperatures. Erosion is also discussed in this section.

In part three, the students learn chemical tests to measure the concentration of dissolved oxygen and dissolved carbon dioxide in water. The importance of dissolved oxygen to animals and of dissolved carbon dioxide to plants for photosynthesis is stressed.

And finally, the students explore the stream for living things. "The students are always surprised by how many creatures live in and around the stream," Fox says. "We usually get a biotic index of 11 or 12, so you can see that Mill Creek is a very health stream."

According to Fox, this year the students also got an unexpected lesson on man's ability to destroy nature.

On the day before the students were scheduled to visit the creek, a pool company pumped chlorinated water from a pool into a storm sewer which drained into the waterway. The discharge killed 200 trout that had been stocked in the creek earlier in the season. The Survey fieldtrip was postponed until the stream water was tested and found to be healthy a few weeks later.

"I want you to listen to the stream and to see how beautiful it looks," Fox told the children when they finally made their visit. "What I want you to learn is an important lesson. Anything that goes into the sewer drains into the stream. We saw 200 fish die.

"You can imagine how we can damage the environment by being careless," she added.

"My goal in the program is to let the kids see how what they do impacts the environment," Fox notes. "I think this incident really gave them a better appreciation and understanding of how precious our world is."

JOINING TOGETHER FOR ADVANCING AMERICA'S TELECOMMUNICATIONS FUTURE

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1992

Mr. PURSELL. Mr. Speaker, as we in Congress continue to debate our Nation's telecommunications policy and the role our telephone companies will play in meeting the future needs of our Nation, I call my colleagues' attention to the following statement, signed by over 300 organizations and over 200 individuals, calling for a competitive telecommunications marketplace and opposing initiatives which "restrict participation by telephone companies in bringing the benefits of the information age to all Americans."

JOINING TOGETHER FOR ADVANCING AMERICA'S TELECOMMUNICATIONS FUTURE

In 1934, Congress articulated a national vision of universal telephone service for all Americans—rural and urban, rich and poor. Today, as the information age dawns in America, the undersigned individuals and organizations believe that this original vision should guide policymakers in meeting the challenges of the 21st century.

As providers and users of telecommunications services, we call upon the American public to unite with us in supporting a robust telecommunications marketplace that promotes consumer choice, fair prices, product innovation, and open and equal access. This is best accomplished by the full development of the public-switched network within the evolving framework of state and federal regulation. By maintaining pro-consumer policies, America will preserve affordable and accessible telephone and information services for all Americans. We believe that real competition in telecommunications will promote jobs, economic development, and investment in an infrastructure that is essential to maintaining America's ability to compete in global markets.

We believe that the telecommunications infrastructure must be constantly modernized in order to meet the needs of consumers, educators, government agencies, people with disabilities, older Americans, health care providers, small and medium sized businesses, and all others who rely on the public switched network. Telephone companies are key to ensuring that this goal is met. The national interest is best served by encouraging the largest number of participants, including local telephone companies, to provide the fullest array of telecommunications services and products.

We therefore urge Members of Congress to oppose any action that restricts participation by telephone companies in bringing the benefits of the information age to all Americans.

ORGANIZATIONS JOINING TOGETHER FOR ADVANCING AMERICA'S TELECOMMUNICATIONS FUTURE: A JOINT STATEMENT

900 Enterprises, Inc. (USA-Rent), Monterey, CA.

ABL Engineering, Inc., Mentor, OH.

AML, Inc., Camarillo, CA.

ARISE, Inc., Syracuse, NY.

AVO Biddle Instruments, Blue Bell, PA.

Ability Center of Greater Toldeo, Sylvania, OH.

Able Telecommunications, Inc., Milpitas, CA.

Access for Idaho, Pocatello, ID.
Action for Children's Television, Cambridge, MA.
Advance Concrete Products Co., Highland, MI.
Advanced Electronic Applications, Inc., Lynnwood, WA.
Advanced Research Technologies, Inc., Rosemont, PA.
Alaska Association of the Deaf, Inc., Anchorage, AK.
Alliance for Disabled in Action, Inc., Edison, NJ.
Allison Associates, Darlington, PA.
Aloha State Association of the Deaf, Honolulu, HI.
Alpha One—Center for Independent Living, South Portland, ME.
Ambox Incorporated, Houston, TX.
American Congress Rehabilitation Medicine, Braintree, MA.
American Deafness and Rehabilitation Association, DeKalb, IL.
American Foundation for the Blind, Southwest, Regional Center, Dallas, TX.
American Legislative Exchange Council, Washington, DC.
American Microwave Corporation, Frederick, MD.
American Pipe & Plastics, Inc., Binghamton, NY.
American Rehabilitation Counseling Association, Kent, OH.
American Reliance Inc., El Monte, CA.
American Street Corridor Business Association, Philadelphia, PA.
Ameritech, Chicago, IL.
Applied Digital Access, Inc., San Diego, CA.
Applied Information Services, Inc., Whitefish, MT.
Aptek Technologies, Inc., Deerfield Beach, FL.
Arizona Rock Products Association, Phoenix, AZ.
Arizona Small Business Association, Phoenix, AZ.
Artel Communications Corp, Hudson, MA.
Associated Industries of Kentucky, Louisville, KY.
Automated Information Management, Inc, Dallas, TX.
Axes Technologies Inc., Carollton, TX.
Barrier Free Living, Inc., New York, NY.
Baruch Defense Marketing, Inc., Middleburg, VA.
Baseline II Inc., New York, NY.
Bejed, Inc., Portland, OR.
BekTel, Inc., Norcross, GA.
Bell Atlantic, Philadelphia, PA.
BellSouth, Atlanta, GA.
Black Citizens for a Fair Media, New York, NY.
Blue Water Center for Independent Living, Port Huron, MI.
Braintree Hospital, Braintree, MA.
Broadband Technologies, Inc., Research Triangle Park, NC.
Brooklyn Center for Independence of the Disabled, Inc., Brooklyn, NY.
Buckhead Business Assn., Atlanta, Georgia.
Buckmaster Publishing, Mineral, VA.
Buffalo Civic Center of the Deaf, Buffalo, NY.
Bureau One, Inc., Longview, WA.
C. Sjoberg & Son, Inc., Cranston, RI.
CTL Communications, Inc., New York, NY.
CUC International, Inc., Stamford, CT.
Center for Independence for the Disabled, Inc., Roanoke, VA.
Center for Independence of the Disabled in New York, New York, NY.
Center for Independent Living, Pensacola, Florida.
Center for Living & Working, Inc., Worcester, MA.
Center for People with Disabilities, Boulder, CO.
Centigram Communications Corporation, San Jose, CA.
Choices for Independent Living, Greeley, CO.
Chromatic Technologies, Inc., Franklin, MA.
Cineman Syndicate, Middletown, NY.
Citizens For A Sound Economy, Washington, DC.
Clifford Beers Center, Miami, FL.
Coalition for Citizens with Disabilities, Jackson, MS.
Coalition of Citizens with Disabilities in Illinois, Springfield, IL.
Colcom, Inc., Austin, TX.
Communications Test Design Inc., West Chester, PA.
Communications Workers of America AFL-CIO, CLC, Washington, DC.
Communications Workers of America Local 6733, El Paso, TX.
Community Resources for Independence, Erie, PA.
Connecticut Association of the Deaf, South Windor, CT.
Connecticut Small Business Federation, Farmington, CT.
Conrad Grundlehner, Inc., Annandale, VA.
Consumer Interest Research Institute, Washington, DC.
Cornerstone Management, Menlo Park, CA.
Council of Chief State School Officers, Washington, DC.
Council of Churches of the City of New York, New York, NY.
Council of Citizens with Low Vision of Texas, Dallas, TX.
Crest Industries, Inc., Pacific, WA.
Dade County League of Cities, Inc., Dade County, FL.
D B Resources, Inc., Vienna, VA.
DAC Systems, Shelton, CT.
D.E.A.F. Inc., Allston, MA.
Deaf-Hearing Communication Center, Springfield, PA.
Delaware Valley Telecommunications for the Deaf, Inc., Philadelphia, PA.
Developmental Services of Northwest Kansas, Inc., Hays, KS.
DeYoung Mfg., Inc., Kirkland, WA.
Dianatek Corporation, No. Sutton, NH.
Disabled People's Liberation Army, Wilmington, MA.
E*Trade Securities, Inc., Palo Alto, CA.
EIS Wire & Cable, South Hadley, MA.
Eagle Telephonics, Inc., Hauppauge, NY.
Eastern Monmouth Area Chamber of Commerce, Monmouth, NJ.
Elcotel, Inc., Sarasota, FL.
Electromap, Inc., Fayettsville, AR.
Electronic Information Systems, Inc., Stamford, CT.
Empire State Association of the Deaf Incorporated, Buffalo, NY.
Enid Association of the Deaf, Enid, OK.
Entrepreneurs Resource Network for Pennsylvania, York, PA.
Epilepsy Foundation of Greater Knoxville, Knoxville, TN.
Equity Ventures, Inc., Colorado Springs, CO.
Ethikos, Inc., Irvine, CA.
Everett Sound Machine Works, Inc., Everett, WA.
Expeditor Systems, Inc., Alpharetta, GA.
Fairfax Resource Center for the Hearing Impaired, Fairfax, VA.
Family Support Network of North Carolina, Chapel Hill, NC.
Foundation for Technology Access, Albany, CA.
Fox River Valley Center for Independent Living, Elgin, IL.
Freedom Center for Independent Living, Fargo, ND.
G.R. Associates, Mountain View, CA.
Gateway Software Inc., New York, NY.
General Videotex Corporation, Cambridge, MA.
GeoWorks, Berkeley, CA.
Governor's Committee on Concerns of the Handicapped, Santa Fe, NM.
Grand Traverse Area Community Living Center, Traverse City, MI.
Greater Chicago Broadcasting Ministry, Chicago, IL.
H&L Instruments, Burlingame, CA.
HealthTech Services Corporation, Northbrook, IL.
Helen Keller National Center, Sands Point, NY.
High Tech Initiative, Nashville, TN.
Holly Springs Fire Protection District, Easley, SC.
Human Development Services of Port Chester, Inc., Port Chester, NY.
ISC—Bunker Ramo, Spokane, WA.
Illinois Lumber and Material Dealers Association, Springfield, IL.
Independence Inc., Lawrence, KS.
Independent Business Association of Illinois, Niles, IL.
Independent Living Center of Northeast Kansas, Atchison, KS.
Independent Living Center of the North Shore Inc., Lynn, MA.
Independent Living Services of North Central Wisconsin, Wausau, WI.
Info-Tel Inc., Mt. Pleasant, SC.
Innovative Technology, Inc., Roswell, GA.
Integrated Network Corporation, Bridgewater, NJ.
Intelect, Inc., Richardson, TX.
Interactive Media Associates, Morristown, NJ.
International Mobile Machines Corporation, King of Prussia, PA.
International Telesystems Corporation, Herndon, VA.
Investment Dealers' Digest Inc., New York, NY.
Jon/Beau, Inc., Weymouth, MA.
Kansas Commission on Disability Concerns, Topeka, KS.
Keltronics Corporation, Oklahoma City, OK.
Kentucky Lumber & Building Materials Association, Lebanon, KY.
Keptel Inc., Tinton Falls, NJ.
Klein Tools, Inc., Chicago, IL.
L.M. Berry and Company, Dayton, OH.
LC Technologies, Inc., Fairfax, VA.
LHS Products, Inc., Woburn, MA.
Learning How, Inc., Charlotte, NC.
Legal Center Serving Persons With Disabilities, Denver, CO.
Lehigh-Northhampton Counseling Service for the Deaf, Allentown, PA
Level One Communications Inc., Folsom, CA.
Lexington Center, Inc., Jackson Heights, NY.
Lingo, Inc., Camden, NJ.
Linick Group, Inc., Middle Island, NY.
LINK Inc., Hays, KS.
Long Island Hispanic Chamber of Commerce, Huntington Station, NY.
Louisiana Association of Business and Industry, Baton Rouge, LA.
Louisiana Center for the Blind, Ruston, LA.
Lumisys, Sunnyvale, CA.
MLR Publishing Company, Philadelphia, PA.
MMS International, Belmont, CA.

Maine Advocacy Services, Winthrop, ME.
Manhattan Electric Cable Corp., Rye, NY.
Maryland Association of the Deaf, Baltimore, MD.
Maryland Center for Independent Living, Inc., Baltimore, MD.
Mass Communication, East Cambridge, MA.
Mass Marketing Inc., Cincinnati, OH.
Melita International Corporation, Norcross, Georgia.
Metal Flex Hosing, Inc., Philadelphia, PA.
Meteor Communications Corp., Kent, WA.
Metric Systems Corp., Acton, MA.
Miami Dade Chamber of Commerce, Miami, FL.
Microtech, Inc., Cheshire, CT.
Microwave Networks Incorporated, Houston, TX.
Midland Center for Independent Living, Midland, MI.
Mid-Ohio Board for Independent Living Environment, Columbus, OH.
Minitel USA, New York, NY.
Minnesota Chapter of the American Deafness and Rehabilitation Association, St. Paul, MN.
Montana Association of the Deaf, Inc., Great Falls, MT.
NYNEX, White Plains, NY.
Nassau Center for the Developmentally Disabled, Woodbury, NY.
National Association for Better Broadcasting, Los Angeles, CA.
National Association for the Advancement of Colored People, Baltimore, MD.
National Association of Area Agencies on Aging, Washington, DC.
National Association of the Cottage Industry, Chicago, IL.
National Association of the Deaf, Silver Spring, MD.
National Conference of Black Mayors, Inc., Atlanta, GA.
National Council of Silver Haired Legislators, Washington, DC.
National Council on Independent Living, Lynn, MA.
National Council on the Aging, Inc., Washington, DC.
National Federation of the Blind, Louisiana Chapter, Ruston, LA.
National Fraternal Society of the Deaf, Mt. Prospect, IL.
National Hispanic Business Association, Atlanta, GA.
National Indian Youth Council, Albuquerque, NM.
National Silver Haired Congress, Fountain Valley, CA.
Native American Public Broadcasting Consortium, Lincoln, NE.
New Jersey Association of the Deaf, Inc., Lakewood, NJ.
New Jersey Coalition on Women and Disabilities, Somerville, NJ.
North Country Independent Living, Inc., Superior, WI.
North Dakota Retail and Petroleum Marketing Associations, Bismark, ND.
North Idaho Center for Independent Living, Moscow, ID.
North of Boston SHHH, Saugus, MA.
Northeast Florida League of Cities, Inc., Baldwin, FL.
Northeast Independent Living Program, Inc., Lawrence, MA.
Northern Telecom, Inc., Nashville, TN.
Northwest Oklahoma Independent Living Center, Enid, OK.
OK Champion Corporation, Hammond, IN.
Ocean State Center for Independent Living, Warwick, RI.
Oceanside Jewish Center, Oceanside, NY.
Ohio Development Disabilities Planning Council, Columbus, OH.
Oklahoma Association of the Deaf, Oklahoma City, OK.
Oklahoma Center for Independent Living, McAlester, OK.
Older Women's League, Washington, DC.
Options Center for Independent Living, Kankakee, IL.
OPTIONS for Independence, Logan, UT.
OptiVideo Corporation, Boulder, CO.
Oregon Disabilities Commission, Salem, OR.
Oza Communications Corp., Santa Barbara, CA.
PARAQUAD, St. Louis, MO.
Pacific Telesis Group, San Francisco, CA.
Pacific West Electronics, Costa Mesa, CA.
PairGain Technologies, Inc., Torrance, CA.
Pennsylvania Coalition of Citizens with Disabilities, Pittsburgh, PA.
Pennsylvania Society for the Advancement of the Deaf, Inc., Pittsburgh, PA.
Pentagram Software, Norwood, MA.
Phone Base Systems, Inc., Vienna, VA.
Phones-Plus, Cleveland, TN.
Programs for Accessible Living, Charlotte, NC.
Progress Center for Independent Living, Oak Park, IL.
Project Freedom Inc., Trenton, NJ.
Protocol Engines, Inc., Santa Barbara, CA.
Queens Independent Living Center, Queens, NY.
Reach Independent Living Center, Fort Worth, TX.
Reach of Dallas Independent Living Center, Dallas, TX.
Reader's Access Corp., Chantilly, VA.
Reality Technologies, Ltd., Philadalphia, PA.
Red Hook Lions Club, Red Hook, NY.
Remarque Mfg Corp., W. Babylon, NY.
Resource Center for Accessible Living, Kingston, NY.
Resource Center for Independent Living, Osage City, KS.
Resource Center for Independent Living, Kingston, NY.
Resource Center for Independent Living, Utica, NY.
Response Analysis Corporation, Princeton, NJ.
Restor Industries, Inc., Ocoee, FL.
Retail Bakers of America, Hyattsville, MD.
Rhode Island Association of the Deaf, Inc., Warwick, RI.
Rochelle Communications, Inc., Austin, TX.
Rockland Independent Living Center, Spring Valley, NY.
R.U.R.A.L., Ltd Independent Living Center, Lenior City, TN.
Rural West Tennessee African/American Affairs Council, Covington, TN.
Sequola Electronics, Campbell, CA.
Shepherd Spinal Center, Inc., Atlanta, GA.
Shenandoah Valley Independent Living Center, Winchester, VA.
Shore Microsystems, Inc., Oceanport, NJ.
Signal Transformer Co., Inc., Inwood, NY.
Sleeply Hollow Chamber of Commerce, Tarrytown, NY.
Small Business Hawaii, Honolulu, HI.
Southwest Center for Independent Living, Springfield, MO.
Southwestern Bell Corp., St. Louis, MO.
Southwestern Independent Living Center, Inc., Jamestown, NY.
Subscriber Technologies, Inc., Pleasanton, CA.
Summa Four, Inc., Manchester, NH.
Summit Independent Living Center, Missoula, MT.
Superior TeleTec, Inc., Atlanta, GA
Support Services Alliance, Schoharie, NY.
Systematix Electronix, Lyndhurst, NJ.
TT Technologies, Inc., Aurora, IL.
Tamaqua Cable Products Corp., Schuylkill Haven, PA.
Technology Serivce Group, Inc., Landsdale, PA.
Tekelec, Calabasas, CA.
TeleSensory Corporation, Mountain View, CA.
Telebase Systems, Inc., Wayne, PA.
Telecommunications for the Deaf, Inc., Silver Spring, MD.
Telemax Corp., Lisle, IL.
TeleSciences, Inc., San Francisco, CA.
Teltrend, Inc., St. Charles, IL.
Tennessee Association of Audiologists and Speech-Language Pathologists, Nashville, TN.
Texas Association for Parents and Educators for the Deaf, Birdville, TX.
The Trademark Register, Washington, DC.
The Triangle Took Group, Inc., Orangeburg, SC.
Three Rivers Center for Independent Living, Pittsburgh, PA.
Three Rivers Independent Living Resource Center, Wamego, KS.
Toper Associates, Greenwich, CT.
Town of Bloomsburg, Bloomsburg, PA.
Trade* Plus, Inc., Palo Alto, CA.
Tropical Getaways Mktg., Seminole, FL.
US West, Denver, CO.
UTILX Corporation, Kent, ND.
Unifl Communications Corp., Billerica, MA.
United Cerebral Palsy Association of New Jersey, Inc., Trenton, NJ.
United Cerebral Palsy Association of Texas, Inc., Austin, TX.
United Homeowners Association, Washington, DC.
United Refugee Council, Brooklyn, NY.
Urix Corporation, Horsham, PA.
USA Corporation, Marina Del Ray, CA.
U.S. Services, Inc., Knoxville, TN.
United States Distance Learning Association, Waxahachie, TX.
V Band Corp., Elmsford, NY.
VSI Telecommunications, Inc., Riverside, CA.
Verilink Corporation, San Jose, CA.
Vermont Center for Independent Living, Montpelier, VT.
Vicorp Interactive Systems, Inc., Boston, MA.
Videotex Development Corp., New York, NY.
Videotex Grocery Systems, Inc., Shawnee, KS.
Viking Electronics, Inc., Hudson, WI.
Virginia Association of the Deaf, Falls Church, VA.
Voice Control Systems, Dallas, TX.
Waveline Inc., Fairfield, NJ.
Western Kansas Association on Concerns of the Disabled, Hays, KS.
Wisconsin Retail Lumber Association, Mequon, WI.
World Institute on Disability, Oakland, CA.
XY Resources Inc., Ardmore, OK.

INDIVIDUALS JOINING TOGETHER FOR ADVANCING AMERICA'S TELECOMMUNICATIONS FUTURE: A JOINT STATEMENT

Allin, Marleen, Educational Consultant, CA Department of Education.
Allson, John, Associate, Allison Associates.*
Altes, Wallace, President, Albany-Colonie Regional, Chamber of Commerce.
Atteberry, Richard J., Broker-Owner, Atteberry Realty Co.*

Beeler, Bonnye, Executive Director, Hartsville-Trousdale Chamber of Commerce.
Bergum, Shelley, Deaf & Disabled Telecommunications Program.*
Bess, Fred, PhD., President, Bill Wilkerson Speech and Hearing Center.*
Biron, Leo, Secretary, Red Hook Lions Club.*
Biase, Jan, City Manager, City of Nixa, MO.*
Bonitz, Brian Scott, Technology Coordinator, North Country Independent Living.*
Bowe, Frank, Professor, Hofstra University.
Boyle, J. Bayard Jr., President, Boyle Investment Company.
Bradsher, Monica, Managing Editor/Software, National Geographic Society.*
Brand, Jacquelyn, Foundation for Technology Access.*
Brill, Jay, President, National Network of Learning Disabled Adults.*
Brown, Carl, President, Abilities Development Associates.*
Brown, Johnson, Mayor, City of Chambloc.*
Brubaker, Ruth, Sweatshirts of Scottsdale.*
Bruce, Paul, County Executive, Hamblen County.*
Bryant, Jennings, Director, Institute for Comm. Research, University of Alabama.*
Btretlec, John, Superintendent of Schools, Richmond County Public School System.*
Bush, John E., President, The Micro Shop Inc.
Cable, Joan, The Lemon Tree.*
Castillo, Joseph, Astro Blueprint & Supply Co.*
Childres, Buddy, Representative, Georgia House of Representatives.*
Click, Terry, President, Junior Achievement of Chattanooga.*
Coleman, Jack, Vice President, Fee McNaghten Insurance.*
Coleman, Myron S., President, Oklahoma County East Community Development Corporation.*
Collins, Martha Layne, Former Governor of Kentucky.*
Conner, Willis, Mayor, City of Dexter, MO.*
Correu, Larry M., Executive Director, San Antonio Independent Living Services (S.A.I.L.S.).*
Cortez, Frank, All-Pro Plumbing.*
Cutler, Howard, Mayor, City of Dillon, SC.*
Daigle, Michael, Executive Director, Jefferson Parish Economic Development Commission.*
Daniel, William Jr., Chairman, Savannah Area Chamber of Commerce.
Dart, Justin W., Jr., President's Committee on the Employment of People with Disabilities.*
DeSpain, Ron, President, Texas State Technical College.*
Doctor, Ronald, Associate Professor, University of Alabama.*
Driskill, Gary, Executive Director, Cheatham County Chamber of Commerce.*
Earl, Gary, Executive Director, Private Industry Council of Seminole County.*
Engel, Barbara, Coordinator—Special Programs, Avila College.*
Ernest, Dave, President, Walters Chamber of Commerce.*
Fee, James W., President, Fee McNaghten Insurance.*
Fee, Robert, Secretary/Treasurer, Fee McNaghten Insurance.*
Fennell, Patricia, Executive Director, Latino Community Development Agency.*
Fetterman, Elsie, University of Massachusetts Cooperative Extension System.*
Figueredo, Hector, Vice-Mayor, City of Titusville.*
Finney, Bartlett J., Executive Director, Roe R. Cross Institute for Business and Economic Development.*
Finnegan, Joseph Jr., President, S.C. School for the Deaf and the Blind.*
Ford, Debra, Developmental Services of Northwest Kansas, Inc.*
Ford, James, President, Cleveland State Community College.*
Foster, Brian, President, Nations Bank-Savannah.*
Foster, Peter, President, Voice Control Systems.*
Foster, William Jr., President, Terminix.*
Fowler, George, Public School Educator.*
Frieden, Lax, Senior Vice President, The Institute for Rehabilitation and Research.*
Galloway, Richard, Xtra Mart Convenience Stores.*
Gaylord, Rev. Ellihue Sr., President, NAACP, Arkansas Chapter.*
Gee, Patricia W., Board Member, Little Rock School District.*
Geho, Patrick, Executive Director, Smith County Chamber of Commerce, Inc.*
Geller, Henry, Communications Fellow, The Markle Foundation, Former Administrator, National Telecommunications and Information Administration.*
Gibson, Michael, Executive Director, Tri-State Resource and Advocacy Corporation.*
Glovagnoll, Melissa, HAIMS Group.*
Goldman, Robert L., Member, Chair, Federal Council on Aging, Oklahoma State Council on Aging, Oklahoma HealthCare Commission.*
Gorman, Lauren, Bodies by Lauren.*
Greene, Eric, Executive Director, Clifton Service Council.*
Groppel, Larry, President, Best Southwest Coalition for Education.*
Gullbert, Alice, Montana Association for the Deaf.*
Hackett, Paul, Chairman, Industrial Development Bd. of Smith County.*
Hadden, Susan G., Professor, Lyndon B. Johnson School of Public Affairs, Member, Board of Directors, Alliance for Public Technology.*
Hagan, Tom, State Director, Consumer Housing Information Service for Seniors.*
Hagerty, Paul J., Superintendent, Springfield Public Schools.*
Hale, Robert, Superintendent, Turner School District.*
Hall, Bill, Let's Get Together.*
Hammond, J. Fred, President, East Tennessee Communications.*
Harris, Robert G., Professor, Haas School of Business, University of California, Berkeley.*
Harvel, Barbara, President, Better Business Bureau of Arkansas Inc.*
Hawthorne, Howell, President, Chatta.-Hamilton County Speech & Hearing Center.*
Hays, Charles, Northwest Oklahoma ILC.*
Hays, Lois, Northwest Oklahoma ILC.*
Hirschlein, Beulah, Professor, Oklahoma State University.*
Hodek, Bruce, RSC Area Director, Dear Services Division.*
Honey, Audrine, Valley Instant Printing, Inc.*
Hughes, Michael, President, United Way of the Coastal Empire.*
Hunt, James, Chancellor, University of Tennessee.*
Hutton, Duane, District Superintendent, Board of Cooperative Education Services.*
Jarrett, Frank, Director of Development, Kansas Special Olympics.*
Jefferson, Dean, Northwest Oklahoma Independent Living Center.*
Jensen, Rodney, Northwest Oklahoma Independent Living Center.*
Jensen, Thomas, Minority Floor Leader, Kentucky General Assembly.*
Johnson, H.D., All-Pro Plumbing.*
Johnston, Ivan, Mayor, City of Lawrenceburg.*
Jones, Jerry Lee, President, Midland Business Center.*
Jones, Mary Gardiner, Former FTC Commissioner, President, Alliance for Public Technology.*
Joyer, Eugene, Senior Partner, Joyer Meredith Flitcroft & Crandell.*
Kaai, Tony, Executive Director, Greater Muskogee Development Corporation.*
Karp, Allan, President, New Jersey Association of the Deaf.*
Kazragis, Roman, Branch Director, Utica Civic Association of the Deaf.*
Keathly, David, Executive Director, Ponca City Main Street Authority.*
Kirwan, Michael E., Executive Director, Freeport Human Relations Commission.*
Klass, Morris D., Professor, Memphis State University.*
Klein, Dorothy M., Executive Director, Area Wide United Way.*
Klepchick, Glenn, President, Info-Tel Inc.*
Koch, Ezra, K.E. Enterprises, Inc.*
Kope, Lanny, Kope Associates.*
Kropp, Wendell, Chairman of the Board, Shawnee Economic, Development Foundation.*
Kumpuris, Mike, Senior Vice President, St. Vincent Infirmary Medical Center.*
Lamar, Sue, Chief Professional Officer, United Way of the Flint Hills Inc.*
Lamet, Jerome S., Lamet, Kanwit & Associates, Former Regional Director, Federal Trade Commission.*
Lashlee, Turner, President, Lashlee-Rich Inc.*
Lawless, James, Mayor, City of Port St. Lucie.*
Long, Gregory A., President, American Deafness and Rehabilitation Association.*
Lowrimorz, Ashpy, Senior Vice-President, Southern National Bank.*
Lyle, Timothy, Executive Director, Springfield Robertson, Chamber of Commerce.*
Malichi, Toby, Malichi Diversified.*
Mason, Robert, President, RLM Enhancers, Inc.*
McElwee, Paula, Director, LINK, Inc.*
McGahan, Patti, Program Supervisor, Louisiana Center for the Blind.*
McGuffey, James, Executive Director, Economic Council of Martin County.*
McKain, E. Phillip, Executive Director, Pennsylvania Directors' Association for Community Action Inc.*
McKown, Scott, Cygnet Associates.*
McMahon, Robert, Chairman, Decatur Federal.*
McManus, John, Executive Director, Massachusetts Council of Human Services Providers.*
McWhorter, Mark, President, McWhorter Realty and Management Co.*
McWilliams, Rick, President, Pennsylvania Coalition of Citizens with Disabilities.*
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