SENATE—*Wednesday, June 30, 1993*

The Senate met at 9 a.m. and was called to order by the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee.

PRAYER

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

Let us pray:

* * * *thine is the kingdom, and the power, and the glory, for ever.* * * *
—Matthew 6:13.

Almighty God, sovereign Lord of the nations who hast revealed Thy purpose for history—a perfect plan, a perfect economy—and only that which conforms to it will endure.

Empires rise and fall, nations come and go, governments wax and wane, leaders rise to prominence and then vanish into obscurity. We play our little part on the stage of history and pass from view. How temporal we are, how transitory, how impermanent, how frail. But Thou, O Lord, art the same yesterday, today, and forever.

Teach us the wisdom of submission to Thy will. Deliver us from false pride which boasts in our achievements as though we made it without Thee, as though we need Thee not.

Help us know Thy will to be involved in that which endures all the exigencies of time and circumstances. Help us be a part of what You are doing in history. Grant us to see that we are most effective in the present situation when we are most committed to that which transcends the present.

* * * *For thine is the kingdom, and the power, and the glory, for ever. Amen.*
—Matthew 6:13.

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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 30, 1993.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mr. MATHEWS 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 for not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 1180 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. Are there others seeking to be recognized at this time?

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

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

The bill clerk proceeded to call the roll.

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

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

AIR STRIKE AGAINST IRAQ

Mr. HATFIELD. Mr. President, last Saturday, at the President's direction, the United States conducted an attack on Baghdad. This retaliation for the attempt upon former President Bush's life has amounted to little more than a bloody nose for Saddam Hussein. Yet Saddam, who we can assume has shed no tears for the innocent lives lost in this attack, continues to have a cold grip upon the Iraqi people.

It should be no surprise that the United States has once again chosen to respond to Saddam Hussein with a military strike. Ours is a violent society. Here in Washington, children splashing in community pools are suddenly blasted with gunfire. Chicago celebrates its NBA victory with rioting. And if these real-life events are not enough, we are flooded daily with brutality on television. It has been estimated that by the time the average child reaches age 18, he or she will have witnessed more than 15,000 murders on television or in the movies.

Numbed by the turbulence within our own borders, the United States has pushed a few buttons and sent the cruise missiles sailing to Iraq. What is the result? Has Saddam Hussein been toppled? Have we decreased the possibility of a terrorist attack? I think not.

In the end, I do not believe this air strike on Baghdad will amount to anything. We fought a war with Saddam. We destroyed his army and crippled his infrastructure and disrupted Iraq's economy. And yet Saddam endures. The war did not topple him. Unless we are prepared to again wage an all-out war, we should immediately ratchet up the sanctions as the appropriate response to Saddam's continued belligerence.

And I would say to our friends, as well as the neutrals, that our byword for any bilateral relationship is, are they practicing the sanctions against Iraq?

But apparently this option was not enough to satisfy the perceived needs of a public starved for a quick-fix military solution. Our desire to send a lethal message was not deterred by the likelihood that innocents would lose their lives. What a paradox we have in this willingness to justify civilian deaths. We talk of the loss of lives in terms of collateral damage.

That is how we used to measure the day's battles in Vietnam, with a similar kind of euphemism: body counts. We talk of the loss of lives in terms like these to, in effect, depersonalize the real impact. At the same time, countless atrocities are being committed around the world.

Look at Yugoslavia: As the world watches, Bosnians, especially Moslems, are being starved, beaten, raped, and murdered. And yet the world acknowledges that the search for a solution to that civil war does not lead to the use of outside military force. We rightly have rejected the notion that the use of American forces in the Balkans will lead to the peace which has eluded that region for centuries.

But in the Middle East, the powder keg of the world, all we can do is feed the upward spiral of violence. The world is awash with arms and we, the United States, are the largest arms supplier, the largest arms peddler in the world.

The strike against Iraq was intended to send Saddam Hussein a warning. President Clinton's first skirmish with Saddam has been widely acclaimed as measured and appropriate. Of course, my colleagues in Congress only had the opportunity to offer these opinions after the fact, for the legislative

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

branch was not informed of the President's actions until the missiles were launched.

The American people, too, are still trying to make sense of the President's actions and his justification for the attack. An overwhelming majority of Americans support his actions. We also know from the polls that the American public is now happier with the President than they were before he authorized the use of force.

It is this last fact that disturbs me most. I did not support the war with Iraq in 1991 because it was a war for oil. I was the only Senator to vote against both parties' resolutions because, under either proposal, there was no option but to go to war. I cannot support military attacks which sustains the series of violence in the Middle East.

But what has truly disturbed me about this strike is the appearance that this administration is following in the misguided footsteps of so many before it: With the launching of 23 Tomahawks into Baghdad on Saturday, this administration has bought into the notion leadership is best defined by the size of your arsenal and your willingness to inflict damage. Unfortunately, the opinion polls indicate that the Nation is validating this notion.

It was disheartening to read the comments of administration officials after the air strike. Among the statements about how the mission had been well-planned and apparently successful were other, more troubling comments, troubling because they appeared to be aimed not at explaining the need for military action but instead at feeding the public's desire to have a President who is not troubled by the use of force. Yes, we were shown a chart of the missile targets. And we also heard about how well the President slept after making his decision to strike.

What we have heard for the past 4 days is the talk of the spin doctors who were quick to assert that the President's willingness to use force—to kill people if they happen to get in the way—has proven his ability to lead. In describing the tone of administration officials with briefing the media on the incident, the Washington Post used the term "Presidential macho." Indeed, these propagandists implied that this maiden use of the military has somehow proven that Bill Clinton is a leader. I, for one, do not need the President to demonstrate his leadership in this way. He has already proven himself to be a man of vision and dedication. His apparent decision to halt underground tests—a goal which has eluded Presidents since the dawn of the nuclear age, is indicative of his leadership and I salute him taking this bold step.

We claim to be the moral force in foreign relations. It is the United States which is the protector of the individual and the hope for prosperity for all peoples. But when it comes down to dealing with the provocations of a petty tyrant we resort to armed action even without the benefit of the completion of the court trials of the Iraqi nationals accused of the attempted murder of President Bush.

Might does not make right. We are about to succumb to public opinion and to the quick fix. And we are being poisoned by the glorification of violence. It is time our Nation shakes off the false assumption that the only way to prove leadership, strength and power is to use it, no matter how indiscriminately.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who seeks recognition?

Mrs. FEINSTEIN addressed the Chair.

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

Mrs. FEINSTEIN. Thank you very much, Mr. President.

IMMIGRATION INTO THE UNITED STATES

Mrs. FEINSTEIN. Mr. President, my State, California, is a land of newcomers and innovators. Much of our strength comes from the can-do spirit of people who come to our State from other countries. New ideas and a determined attitude symbolize what California is all about.

My own mother was a young immigrant from Russia, and I well remember her pride in becoming a naturalized American citizen when I was a child.

My father was a first-generation American. His father, my grandfather, fled Poland alone at the age of 14. He worked hard in this country. He went from a shoemaker to drilling oil, and he was a proud patriarch of a family of 11 children.

America is rooted in a tradition of newcomers, working hard to support themselves and their families so their children can build a better life. That is the American dream, and it is not a selfish dream. But it is a dream based on hope and opportunity.

Today, however, hope and opportunity are difficult to find. In California, 1.3 million Californians are out of work, jobs are hard to find, every classroom is overcrowded, crime abounds, and affordable housing is virtually nonexistent.

It is in this atmosphere that newcomers must compete with residents for jobs, education, health care, and housing. Tension, competition, fear, and anxiety are the inevitable result when the numbers of newcomers are great and the opportunities are few.

Signs of the tension are increasing. In Orange County, CA, a grand jury recommended the drastic step of imposing a 3-year national moratorium on all immigration. A New York Times-CBS poll last week showed that 61 percent of the people surveyed said the rate of immigration into the United States should be reduced. Only 49 percent felt that way in a similar 1986 survey.

I am deeply concerned about the consequences of these rising tensions. I believe that we can avoid a serious backlash against all immigrants if we take strong action now to restrict illegal immigration and to protect legal immigration.

It is estimated that about 8.9 million people have come to this country legally over the past decade, but another 3 million have slipped into the country illegally.

I, for one, support legal immigration. It is the foundation of our Nation and it is the fabric from which America derives her magnificent coat of diversity.

In California, there are 1.3 million undocumented immigrants, with more than one-half of them residing in one county. That is the county of Los Angeles. And the undocumented come from many places around the world. Many work hard to earn a living and to feed their families. But increasingly, the numbers of undocumented workers rise in larger and larger numbers.

For example, 3,000 to 5,000 people attempt to cross the Mexico-California border each night, and 50 to 60 percent succeed.

In just one recent weekend, 2 weekends ago, 9,000 people attempted to illegally cross the border. And 4,500 in just a weekend were actually arrested. In this same region, an underground tunnel was recently discovered that was built to transport drugs and illegal immigrants under the border.

The well-publicized cost of immigration goes a long way toward explaining although not justifying the increasing concern about immigration across our land.

Last year, the State and localities of California spent $1.7 billion to pay for the educational, medical, and correctional costs associated with undocumented persons.

The Federal Government spent an additional $377 million of its share of medical costs. That is a total of almost $2.1 billion in California alone. Put in another perspective, Mr. President, 10 percent, or $308 million, of Los Angeles County's entire budget goes to the cost of undocumented individuals.

Mr. President, I ask unanimous consent that three tables illustrating the impact of undocumented individuals be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Local and State costs of undocumented persons in San Diego County

	Millions
Criminal justice system	$105.7
Health services	26.6
Education	60.7
Social services	13.4
Estimated costs	206.4
State and local tax receipts	60.5

Local and State costs of undocumented persons in San Diego County—Continued

	Millions
Net State and local costs	145.9

Source: "Report on Selected Issues Relating to Undocumented Persons in San Diego," prepared for Sen. Walter A. Craven, Chairman of California Special Committee on Border Issues by the Senate Office of Research (January 1991).

Cost of selected services to undocumented persons in California for fiscal year 1992–93

State Corrections	$243,000,000
State Medi-Cal	376,000,000
Federal Medi-Cal	377,000,000
State and local K-12 Education	1,068,000,000

NOTE.—Estimated total Federal, State, and local costs=$2.064 billion.

Source: "From Adversity to Opportunity", California Governor's fiscal year 1993–94 budget report.

Los Angeles County costs for selected services to undocumented persons in fiscal year 1991–92 [1]=10 percent of total services budget

Children's Services	$155,000
District Attorney	11,121,000
Health Services	159,466,000
Mental Health	1,212,000
Municipal Courts	10,368,000
Probation	13,336,000
Public Defender	6,499,000
Sheriff	61,698,000
Public Social Services	0
Superior Court	7,594,000
All Other Departments	36,949,000
Estimated total	308,398,000
Total county services budget	$3,046,000,000

[1] Impact of Undocumented Persons and Other Immigrants on Costs, Revenues and Services in Los Angeles County," Los Angeles County Board of Supervisors, Nov. 6, 1992.

Mrs. FEINSTEIN. Mr. President, it is time to act. It is time to place a national priority on protecting the American dream, a dream that has allowed this country to stand as a beacon of hope and opportunity for people from around the world. It is time to place a national priority on protecting legal immigration by enforcing our borders.

Simply put, I believe a successful Federal immigration strategy must accomplish six key goals.

One: More effectively enforce our border and hire more Border Patrol agents. In the next fiscal year, the Border Patrol is scheduled to lose another 93 agents in the President's budget, shrinking the force down to 4,770. Rather than cut, now is the time to increase the Border Patrol and provide the necessary in-service training to assure that all people apprehended are fairly treated.

Now is the time to provide our Border Patrol the equipment that is needed to do their jobs, the right vehicles, not sedans, but four-wheel drive vehicles that can handle the terrain; not old helicopters, but some new ones, modern equipment. The Patrol lacks night vision equipment, sophisticated listening devices and other surveillance hardware.

Let us give the Border Patrol the resources they need to do the job.

The consequences of lax border enforcement have other serious dimensions. In 1990, along California's southern border, the INS, Customs, DEA, working together in Operation Alliance seized nearly 400,000 pounds of marijuana with a minimum street value of $1.2 billion, and 34,000 pounds of cocaine, conservatively valued at $326 million on California streets.

It is time to beef up enforcement so we can stop the illegal drug trade as well.

Two: Increased penalties for the conviction of alien smugglers, especially those who endanger the lives of others. Since August of 1991, 18 boatloads of Chinese mainlanders have been intercepted in United States waters. Charged a fee of $25,000 to $30,000, beguiled with false promises, hundreds and now thousands of men, women, and children are crammed into the holds of ships to suffer degradation at sea and terrible circumstances if and when they land.

Today the maximum penalty for smuggling immigrants is just $2,000 or up to 5 years in prison. That is nothing. The sentence for smuggling should be increased to 10 years and to 20 years where victims sustain harm.

In addition, by using the Federal Racketeer Influence and Corrupt Practices Act, known as RICO, and asset seizures and forfeitures laws, the profits and tangible assets used and owned by smuggling syndicates and their coconspirators could be confiscated and utilized by our law-enforcement officials for crime-fighting pursuits. That hits them where they live, profit.

Three: Consolidate the hearing process during Federal trials of illegal immigrants accused of crimes. Today, two steps are necessary before illegal immigrants convicted of felonies can be deported. First, a Federal criminal trial takes place. Then, at a later date, an administrative deportation hearing is held by INS. I say let us combine the two and give the Federal trial judge the authority to issue deportation orders at the same time illegal immigrants are sentenced for aggravated felonies. Once the sentence is served, such felons can then immediately be deported.

Four: Deport illegal immigrants who commit felonies to serve their sentences in prisons of their own country rather than our own. Today, convicted felons have an option. They can decide whether they want to serve their sentence in an American prison or in the prison of their own country. Of course, they choose an American prison. So we absorb all of the costs of incarceration.

I believe that decision should be up to the judge and the Attorney General, not the convicted felon. The American taxpayers should not have to pay the cost of incarcerating illegal immigrants convicted of felonies.

I believe that Congress must ask the Department of State to negotiate the necessary international agreements. The upcoming NAFTA proposal offers a perfect place for such an arrangement.

Five: Overhaul the overwhelmed asylum process in the United States. Today, there is a backlog of 126,000 political asylum cases pending review. These people are not held. They are arrested and they disappear. And their cases take years to hear. That backlog is expected to hit 300,000 by year's end.

It is time to provide experienced customs inspectors and INS officers with the authority to make the necessary decisions, subject to appropriate appeal, about those who arrive without documentation, present fraudulent papers, or who have no legitimate fear of persecution in their own country.

Six: Amend the laws to prevent Medicaid abuse by nonresidents. Today, many nonresidents of our country can come to the United States, use Medicaid, then obtain health or maternity care, and then return to their country of origin. Taxpayers should not be requested to pay the medical and maternity costs for noncitizens who come to our hospitals to give birth, gain citizenship for their child, and then return to their country.

Solving the problems of illegal immigration means finding the funding. I believe it is time to seriously consider charging a modest border crossing fee or toll each time anyone, whether a citizen, visitor, or legal immigrant enters the United States. The fee could be collected at all border crossing points, and seaports in the United States.

Today, in my area, residents going across the Golden Gate Bridge from one county to San Francisco, from Marin to San Francisco, pay a $3 toll to pay for the infrastructure, maintenance, and operation of that bridge. Those going over the Verrazano Narrows Bridge in New York pay $5. Is it not reasonable, then, to ask that people crossing our border legally pay $1 or $2 to maintain the infrastructure and to staff the Border Patrol?

The U.S. Customs Service reports that in 1992, not counting military plans, more than 447 million people and vehicles entered the United States—447 million—396.2 million of them by ground, vehicle, or on foot, and nearly 6.6 million by sea.

If in place last year, just a $1 per person transit fee would have raised almost $403 million just from pedestrians and passengers arriving by car, ship, or ferry. If you had a $2 fee, it would be $806 million raised. Just the $1 fee is enough money to double the Border Patrol's fiscal 1993 budget, with $51 million to spare.

Although international negotiation will clearly be necessary to make such a fee a reality, a modest intercountry transit fee could yield tremendous dividends for the Customs Service, the INS, and especially the Border Patrol. Do we not owe it to the people of this Nation, those who are facing tough economic times, to consider this step?

In the end, Mr. President, a comprehensive Federal immigration strategy clearly must come from the top down. It will take personal directives from President Clinton and Attorney General Janet Reno to be successful, and it will take the united, bipartisan effort of this Congress.

Today, there are more than 30 separate pieces of immigration-related measures pending before this Congress—three of them in the Senate. I look forward to working closely with the chairman and ranking member of the Immigration subcommittee, Senators KENNEDY and SIMPSON, and with the administration, to draft legislation to strengthen our Nation's borders and reduce the cost of illegal immigration.

The words chiseled into the Statue of Liberty—"huddled masses," "breathe free," "golden door"—still remain deeply etched in my mind. It is my background, and it is my heritage. We cannot allow the meaning of these words to be eroded by hate, by fear, and by prejudice. If, however, we stand as tall as that great lady in New York Harbor and institute a fair but firm Federal immigration policy, we can preserve in America the hope and opportunity that brought my mother and my grandparents to this great country.

Thank you, Mr. President.

I yield the floor.

The ACTING PRESIDENT pro tempore. Does any Senator seek recognition?

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

NATIONAL FEDERATION OF INDEPENDENT BUSINESS' 50TH ANNIVERSARY

Mr. PRESSLER. Mr. President, last evening I had the occasion to address the National Federation of Independent Business' dinner and to present to them a resolution passed by the Senate celebrating their 50th anniversary.

I believe that the National Federation of Independent Business represents grassroots small business perhaps better than any other single group. The NFIB has small business men and women in all States as members. They have a rating system for votes which I think is very good. In fact, I have said I think that their vote rating system is the best vote rating system regarding U.S. Senators and Representatives insofar as what is going on at the grassroots level in small business and entrepreneurship. I know that this body has a lot of speeches and resolutions concerning small business, but how Senators actually vote on issues important to small business counts most.

Last week we had an amendment here on the Senate floor which the officers of the NFIB helped me with regarding reducing a blizzard of paperwork that might have befallen small businesses. Under the proposal, probably written by some policy person and perhaps in error, the proposed Clinton economic bill contained a provision that would have required reporting to the IRS every expenditure for services purchased over $600. The assumption was there are tax cheats among small business, although there is no proof of that. However, I think there may be some in every category.

The New York Times did a front-page story talking about the blizzard of paperwork that this ill-conceived provision would create. The irony was that the IRS was not equipped to receive this paperwork from corporations and small businesses and their computers would not have been able to digest it. It would take them 2 or 3 years, perhaps up to 6, to get the process computerized that would enable them to use the billions of new forms forwarded to them by small business.

This Senate voted 98 to 0 to strike that section. But in sort of a humorous moment—the opposition initially began to vote down the amendment, I think, until the New York Times article was circulated about the blizzard of paperwork and the fact that the NFIB was going to rate it a key vote, which I think was an important factor. Senators changed their votes, which they have every right to do; so it passed 98 to 0. But I humorously said: Never in history has such a small amendment received so many votes, if you count all the switches.

But, in any event, I thank my colleagues for helping me with that amendment; it is a very significant amendment because it will head off a blizzard of paperwork for small business.

People probably will forget about it now that it will not go into effect. Let's hope it is not included again in conference.

I salute the National Federation of Independent Business on their 50th anniversary, which they are celebrating. And as ranking member of the Small Business Committee, I look forward to continuing working with them.

INDONESIA

Mr. PRESSLER. Mr. President, last week it was my pleasure to visit in my office with business leaders from Indonesia. They were James T. Riady, deputy chairman of the Lippo Group, John Huang, an American citizen who is a director of the Lippo Group and vice chairman of the Lippo Bank in Los Angeles, and Susanto Widjaja, who also works with Lippo Bank. I very much enjoyed the opportunity to listen to their analysis of Indonesia's dynamic economic growth and increasing importance to the United States.

Their visit here reminded me of a trip I made to Indonesia in April 1991. I would like to take a few minutes to share with my colleagues, some of my recollections of that trip.

The inescapable impression left by any visitor to Indonesia is that of diversity. Much has been said about the American cultural melting pot. In Indonesia there are hundreds of individual cultural crucibles, thread together by a common nationality. I remember leaving Indonesia thinking more about the 100 cultures I had not experienced than the handful I did observe. This great diversity creates obvious challenges for United States foreign relations with Indonesia. We must be ever sensitive to that aspect of Indonesia. Beyond seeing what Christopher Columbus missed 500 years ago, my specific interest in Indonesia related to its recent efforts in agriculture and a project involving the University of South Dakota Shrine to Music Museum.

The visit to Indonesia began in Jakarta. We spent a day debriefing with the U.S. Embassy staff. As a member of the Senate Communication Subcommittee, I was interested in Indonesia's heavy but understandable reliance on satellite technology. I found a number of references to the satellite center of my home State, the EROS Data Center, in a number of places there.

It was also there that we began an inquiry into the possibility of acquiring a gamelan for the internationally renowned Shrine to Music Museum at the University of South Dakota in Vermillion. The gamelan is a musical orchestra of instruments unique to Indonesia and the museum in South Dakota has been working for a number of years to identify and acquire one suitable for preservation there.

We also visited the old capital of Jogjakarta. My most vivid recollection of Jogja relates to the abject poverty on the streets of that old city. Malnutrition is the norm. The staple of life, which prevents outright starvation among many people there, is a patty made of a protein-rich soybean product. For most, meat is an unheard of luxury. Milk is an unknown commodity. Living conditions were very poor. Many were homeless. From Jogja we visited a village and a cooperative which began as a USAID project. It was part of a dairy farm in a rural village, where conditions were better than the city. They were working to develop reasonable dairy farming standards. One of the Government's objectives is to increase the amount of dairy products—particularly milk—available to

the people. We were told that the dairy farm project we witnessed was relatively rare. Although the country is placing a great emphasis on producing more dairy products, the process has been slow. It appears they have expended an inordinately large amount of money on dairy stock and related capital expenditures without also investing in training experienced dairy management personnel. In this area I spent a considerable amount of time after the trip visiting with highly regarded agricultural sciences personnel in South Dakota—from South Dakota State University at Brookings—and representatives of the Indonesia Government to encourage more exchanges.

We also visited a village in a mountainous area in another part of Indonesia. One of the purposes of that inspection appeared to be to showcase a family planning and maternal health care facility initiated by USAID and now funded by the Indonesian Government. We were told that virtually every village in Indonesia has or is developing a similar program based on education and voluntary cooperation. I remember being surprised to be met at the village by several hundred colorfully dressed local residents, with the wonderful rhythms of a distant gamelan in the background. We were treated to a colorful show and substantive briefing on the various health care and other program initiatives there. In stark contrast to the streets of Jogja, everyone at the village looked quite healthy, clean, and in good spirits.

We were told that these gatherings, initiated to exchange information on family planning, nutrition, and so forth, have developed into general community gatherings where information is exchanged and notes are compared on everything from technical ideas to commercial handicraft trade. We saw silk weavers, sandstone carvers, woodworkers, dollmakers, and other artisans at work. What evidently began as a health care initiative has turned into a much more comprehensive community event. One especially fascinating experience was seeing a working gamelan factory. We went far off the beaten path as our escort, an honorary U.S. consul by the name of Andy Toth, turned out to be something of an expert in local music and gamelans of particular periods. He took us to what he described as a typical gamelan maker. It was like stepping back several centuries into a blacksmith shop. We watched workers clad in shorts and sandals weigh out bronze and place the rough looking bits of metal into a crude crucible.

With 3-foot prongs they placed the crucible in open fire fed by bits of local coal. Air was forced into the fire through two cylinders approximately 8 inches in diameter. These were bored through wooden stumps roughly 5 feet in length. Small half-inch tubes at the base of the cylinders fed oxygen to the fire from beneath a rough concrete floor. The air was forced through the cyclinders by wooden disc plungers of the same diameter as the bore of the cylinders. Each wooden disc was flanged by feathers to help seal the plungers serving as piston rings, of sorts, and had an inch-thick, 5-foot-long pole attached to the top to serve as handles for the operators, who served as both human crankshafts and cams combined. There were two fire forges where the bronze was melted down. The molten bronze was poured into what appeared to be a rough-hewn wooden mold covered with a broad palm leaf to regulate the cooling process. The cooled product was amazingly crude compared to the sparkingly smooth finished key. The process from crude mold to the final polished and tuned gamelan key was painstaking. It was hammered into rough shape before cooling, then was turned over to a shaver who took off tiny scratches one at a time. The workers performed their tasks with such precision that the edges rivaled what could be produced using modern machine tool technology. Although we did not see the larger gamelan gongs being made, we were told the process is similar.

The wood carving is all done by hand, as well. From rough stump to finished product we watched the beautifully carved wooden components being created. A hatchet-wielding craftsman put a power saw to shame with his straight edges and carved corners. Amazing accuracy was achieved using centuries old technology.

The painting and gold gilding are done before the bamboo tubes are inserted into the gamelan keyboard parts. From start to finish, the manufacturing processes we observed involved nothing that could not be done five centuries ago. It was clear this place was no tourism stop. They do not get tourist traffic in that area. We were there because the consul knew the proprietor. The proprietor's family ancestors were gamelan makers, as far back as he could remember.

This side visit provided fascinating insight into the intricacies and significance of an ancient instrument, and why it would be an important acquisition for the University of South Dakota Shrine to Music Museum. We have since been working to identify and acquire an appropriate gamelan for the museum. I was very impressed with Mr. Roth's education and understanding in this area, and the Indonesians' expressed interest in cultural exchange. But I am disappointed that we have not yet been able to finalize this project. I am still working on it.

As with so many places in the world, there were many areas in this extraordinarily densely populated country where our food aid projects were having a profound impact. Food aid programs should continue to be heavily emphasized, and new opportunities should be explored, particularly concerning dairy production initiatives and appropriate education for agricultural managers. These are just a few of my reflections on my 1991 trip to Indonesia. As I noted at the beginning, I was prompted to share them now with my colleagues because of my visit with the distinguished Indonesian business leaders from the Lippo Group who were here in Washington last week. Indonesia represents an extremely important future market for United States exports. Currently, U.S. businesses simply are not taking enough interest in this huge nation. It would be extremely beneficial for both the United States and Indonesian economies if they did so. If they do not, other nations will reap the benefits of closer economic ties with that vast, diverse and booming nation.

The ACTING PRESIDENT pro tempore. Does the Senator yield the floor?

Mr. PRESSLER. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

TELEVISION VIOLENCE

Mr. DORGAN. Mr. President, this morning there is to be a press conference on Capitol Hill, I understand, where television industry executives will announce that they are intending to establish a form of warning or labeling for television programs with excessive violence.

That response comes on the heels of concern exhibited by many of us in the Senate and in the House about the growth of violence on television. Violence has become almost epidemic on television. The most recent sweeps week represented, in my judgment, an outrageous amount of violence. People imitate what they see on television, especially children. Otherwise, why would advertisers spend the money they do advertising?

If people imitate what they see on television, is it helpful, is it useful, is it good for our country to have kids, by the time they graduate from elementary school, to watch 8,000 murders on our television sets? Does it make us proud that those who produced one children's television series produced it two ways—one, with all the violence in it for distribution and for showing here in this country on our television sets to American children; and then they produced it another way by taking out much of the violence and selling it to foreign countries' television systems, because they could not be allowed to show it with that violence in it on foreign country television systems? Why are our children subjected to that amount of violence?

I proposed in the Senate a piece of legislation that the Commerce Committee will hold a hearing on next

month. It proposes that the Federal Communications Commission issue a quarterly television violence report card and simply give information to people as to which are the most violent television programs and who is sponsoring them, so that the American people can then use that information to supervise their children's viewing habits, No. 1; and to let those commercial sponsors of those programs that are most violent know of their opinions of that violence.

I am not suggesting that we censor. I am not suggesting that we have thought police. I am not here to say that that cannot be on television. I do believe, however, that we ought to find ways for the American people to tell the television industry they want less violence, not more violence, on the television sets in our living rooms.

The television executives will hold a press conference today, I am told, and indicate that they are moving toward some kind of a rating system in which they will alert people to the presence of violence on programming that is about to begin. I think that is a step, a small step, in the right direction.

The question is not so much what the television executives say. The question is, what do they do? Will we continue to see the exponential growth of violence on television in the coming years? If we do, and we simply get warnings that that is what is in our living rooms, on our television sets, we have not made much progress, in my judgment. Or will we see a more responsive industry—responsive to the interests of the American people, most of whom believe there is an excess of violence on television?

The question really at this point is: Are the American people going to possess information with which to make their views known to the television industry? My legislation would move in that direction.

I might also say this morning, that the acknowledgment by the television industry executives with the press conference in this town today demonstrates they are beginning to hear the drumbeat for change; they are beginning to understand that the American people are concerned about what children are watching on television and think that it is not good for this country to have excessive violence on television programming.

So I welcome the press conference this morning. I welcome this step, albeit a small step, by the television industry. I hope we will see results from this step in terms of the programming itself and that, in the future, the programming on television will be less violent, not more violent.

I do hope that, in the coming couple of weeks, we will make some progress on my legislation, which I think is still needed, notwithstanding the press conference today, to give parents in this country more information about television violence.

I yield the floor.

The ACTING PRESIDENT pro tempore. Does any Senator seek recognition?

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER (Mr. DORGAN). The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, it is my understanding that Senator GRAMM, of Texas, has 10 minutes and that he is not going to be using that. I ask unanimous consent that I might use that 10 minutes.

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

The Senator is recognized for 10 minutes.

THE SECOND AMENDMENT TO THE CONSTITUTION

Mr. CHAFEE. Mr. President, on May 5 of this year, I reintroduced my Public Health and Safety Act, legislation to ban the sale, manufacture, and possession of handguns. My legislation, S. 892, would establish a grace period of 6 months, during which time handgun owners could turn in their firearm and receive the weapon's fair market value or $25, whichever is greater. After the 6-month period, no one may possess a handgun except for law enforcement; military; antique collectors; and target shooters and security guards with secure storage facilities.

Last Friday, in Seattle, a man began shooting at motorists on busy Highway 520. Apparently, his blue van had stalled, and he became angry at passing motorists for honking impatiently at him. So he took out his handgun and began firing. It was rush hour, 4:20 p.m., and traffic was heavy. After being alerted by a phone call from a terrified motorist, State patrol officers rushed to the scene to try and persuade the gunman to put down his small caliber semiautomatic handgun. As the gunman walked among the stalled cars, panicked drivers and passengers got out and ran. The tense situation ended when in front of several family cars, the gunman fired at a patrolman, whose return fire fatally injured the gunman.

Imagine the feelings of the motorists, particularly those with young ones in the car, as they watched a gunman move among the stalled traffic, aiming his handgun and firing arbitrarily.

Only in the United States do we allow such easy access to handguns that situations like this one are not uncommon. Highway snipers are no longer unheard of. Yet we continue to allow easy access to lethal handguns, in part because of the loudly trumpeted second amendment constitutional right to carry a gun.

About 75 percent of the public believes that there is a constitutional right, found in the second amendment, for a citizen to keep and bear arms; and the National Rifle Association does its best to keep that perception alive and well.

But the NRA does not tell the whole truth. The NRA's version of the second amendment completely ignores the first clause of the amendment. Only when one reads the second amendment in its entirety can its true meaning be understood. In truth, the second amendment provides a collective, not an individual, right by which persons serving in a "well-regulated militia" may "keep and bear arms."

This is not simply John Chafee's view. This is the unanimous view of our Federal courts. What the NRA is particularly anxious to keep out of the public light is the fact that no Federal court has ever construed the second amendment to protect an individual's right to pack a pistol. And this rare unanimity among the Federal courts—all the way up the Supreme Court—has prevailed for more than 50 years.

Let me take a moment to review some of the most important court decisions. I will start with the Supreme Court's seminal 1939 ruling—over 50 years ago—U.S. versus Miller:

> In the absence of any evidence tending to show that possession or use of a [shotgun] at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the second amendment guarantees the right to keep and bear such an instrument. * * * With obvious purpose to assure the continuation and render possible the effectiveness of such forces the declaration and guarantee of the second amendment were made. It must be interpreted and applied with that end in view.

The Court is saying, in other words, that the second amendment does not provide an individual an unfettered right to possess or use a gun. Any such use must have some relationship to a well-regulated militia.

For years, the High Court did not feel the need to address this question again. Only in 1980, in Lewis versus United States, did the Court reaffirm its by now decades-old holding in Miller:

> These legislative restrictions on the use of firearms are neither based upon constitutionally suspect criteria, nor do they trench upon any constitutionally protected liberties * * * the second amendment guarantees no right to keep and bear a firearm that does not have "some reasonable relationships to the preservation or efficiency of a well regulated militia."

The lower Federal courts have been united in following the Supreme Court's lead. Let me run through the list:

> 1971: Stevens v. United States (6th Circuit) "Since the Second Amendment right 'to keep and bear arms' applies only to the right of the State to maintain a militia and not to the individual's right to bear arms, there can be no serious claim to any express constitutional right of an individual to possess a firearm."

1971: United States v. Synnes (8th Circuit) "Although Sec. 1202(a) is the broadest federal gun legislation to date, we see no conflict between it and the Second Amendment since there is no showing that prohibiting possession of firearms by felons obstructs the maintenance of a 'well regulated militia.'"

1973: Eckert v. City of Philadelphia (3rd Circuit) "Appellant's theory * * * is that by the Second Amendment to the United States Constitution he is entitled to bear arms. Appellant is completely wrong about that. * * * It must be remembered that the right to keep and bear arms is not a right given by the United States Constitution."

1976: United States v. Warin (6th Circuit) "It is clear that the Second Amendment guarantees a collective rather than an individual right. * * * It would unduly extend this opinion to attempt to deal with every argument * * * based on the erroneous supposition that the Second Amendment is concerned with the rights of individuals rather than those of the State. * * *"

1982: Quilici v. Village of Morton Grove (7th Circuit) "Construing [the Second Amendment] according to its plain meaning, it seems clear that the right to bear arms is inextricably connected to the preservation of a militia * * * we conclude that the right to keep and bear handguns is not guaranteed by the second amendment.

I think this makes it quite clear that our courts—the final interpreters of our Constitution—are of one united view on the meaning of the second amendment, and that that meaning is directly contrary to the interpretation loudly trumpeted by the NRA.

Nor can the NRA point to the writings of legal scholars for evidence that their view is correct. Legal scholars from across the philosophical spectrum—such as Chief Justice Warren Burger, from Solicitor General Erwin Griswold, former Judge Robert Bork, Justice David Souter, former acting Attorney General Stuart Gerson, and the president of the American Bar Association—all agree: the second amendment conveys no individual right to carry a gun.

I believe that the NRA knows this full well. Otherwise, if the NRA were so convinced of an individual's absolute right to carry a firearm, why would not the NRA be challenging the various State gun restrictions now in existence? Yet in November 1992, the NRA dropped its constitutional challenge to California's assault weapons ban, declining to appeal its losing case to the Supreme Court. Clearly, the NRA knows that the right it so freely and frequently heralds is nothing but a sham.

If you ask the NRA for proof of its individual right claim, you will get some very clever answers in return. You might be steered to a recent court case in Denver where a city ban on assault weapons was held to be unconstitutionally broad. What you will not be told is that that case was a State case that did not involve the Federal Constitution.

Or you might be directed to a 1990 Supreme Court case known as U.S. versus Verdugo-Urquidez, in which the Court comments on the phrase "the people" as used in the Bill of Rights, including the second amendment. What you will not be told is that the Verdugo case focused not on the second but on the fourth amendment, and that the comment about "the people" has nothing to do with, and in no way contradicts, the Court's view in Miller.

Or perhaps you will be showered with quotes from historic American figures swearing fealty to their firearms. That is all well and good; but again, it has nothing to do with, and in no way contradicts, the meaning of the second amendment.

The simple fact is that the NRA does not have a constitutional leg to stand on. Period.

Mr. President, the free flow of handguns into our society—now numbering 70 million and increasing at a rate of 2 million per year—is literally us. We must act to rid our society of these lethal, all-too-available weapons if we want to protect the basic health and safety of the public. There is no constitutional barrier standing in our way, and we have a majority of public opinion on our side.

I thank the Chair and I thank the Senator from Oklahoma for letting me go in front of him.

Mr. President, I ask unanimous consent that an article dealing with the NRA shifting its challenge to the California gun law, in which the National Rifle Association dropped its constitutional challenge to California's first-in-the-Nation ban on military-style assault weapons, be printed in the RECORD.

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

[From the Washington Post, Nov. 18, 1992]

NRA SHIFTS ITS CHALLENGE TO CALIFORNIA GUN LAW

(By John E. Yang)

LOS ANGELES, November 17.—The National Rifle Association has dropped its constitutional challenge to California's first-in-the-nation ban on military-style assault weapons, shifting its attack instead to the state's courts, an NRA official said today.

The change in tactics came after NRA attorneys concluded the Supreme Court was unlikely to agree to review a U.S. Court of Appeals decision upholding the three-year-old statute, according to Richard Gardiner, the group's legislative counsel.

"It's not at the point yet where the issue is at a critical mass that the Supreme Court is likely to take it," Gardiner said from Washington. "Rather than waste the effort on filing a brief there, we decided to head to the state court."

Gun control advocates hailed the move as a retreat from the NRA's longstanding argument that state gun control laws violate the Constitution's Second Amendment guarantee of "the right of the people to keep and bear arms" as applied to the states by the 14th Amendment.

"They spend millions of dollars every year creating this myth that the Second Amendment precludes gun control," said Dennis Henigan, director of the Center to Prevent Handgun Violence's Legal Action Project in Washington. "Yet when the time comes to take that theory to the Supreme Court, they walk away."

Gardiner denied that. "Of course the issue is going to continue," he said. "We're not throwing in the towel on the Second Amendment."

The NRA signaled the change last Thursday when its lawyers let pass the deadline—already extended at their request—for asking the Supreme Court to review the appeals court decision, which was handed down in May. The NRA had also lost the case in U.S. District Court.

Gardiner said he did not know yet what argument would be used to challenge the law in California courts when the suit is filed there, probably early next year. The California constitution does not include a guarantee of the right to bear arms. "We're developing some theories," he said.

The California law was prompted by the Jan. 17, 1989, massacre of five children in a Stockton, Calif., schoolyard.

In the onslaught, Patrick Purdy, an emotionally disturbed welder, used a Chinese-made AK-47, one of the weapons covered by the statute.

The law makes it illegal to buy, sell, own, import or loan about 70 different types of semiautomatic rifles, shotguns and pistols. Those who already owned such weapons at the time the law went into effect could keep them if they registered them.

About 60,500 have been registered with the California Department of Justice.

New Jersey and 30 local jurisdictions have similar bans.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma [Mr. BOREN] for 15 minutes.

NUCLEAR TESTING

Mr. BOREN. Mr. President, tomorrow, on July 1, the current moratorium on nuclear testing expires. I am greatly encouraged by reports in the morning press which speculate that the President will act to extend the moratorium and is also seriously considering a no first-test policy.

The President would show bold and decisive leadership, not only for this country but for the entire world, if he takes this path. If he does so, he will have my full support, and I am sure he will also have the support of the vast majority of Americans. And he will deserve the appreciation of future generations.

After more than 1,000 tests, we can remain reasonably certain, at least in the near term, that our nuclear deterrent is both safe and reliable. We do not need more tests to assure safety and accuracy. Nor do we need to be upgrading our stockpile of nuclear weapons in the current world environment. In fact, nothing would do more to undermine our national security in the long run than to resume testing now, because it would encourage others to do the same and it would make it impossible for us to lead the effort to stop the proliferation of dangerous weapons around the world.

It is that proliferation and not the possible inaccuracy of our weapons that is the greatest threat to our national security and the greatest threat to world peace.

The recent turmoil in Russia should be a wake-up call to all of us as Americans. The window of opportunity opened by the end of the cold war will not stay open forever. For the first time since the United States has become a world leader we are not locked in a military confrontation or a military contest with other superpowers or power blocks.

Think about the moment that has been given to us. Our grandparents did not have this opportunity. Our parents' generation did not have this opportunity. No sooner had World War I ended than new power rivalries began. The rise of Hitler again threatened the peace and stability of the world, led into World War II. And no sooner had World War II ended, almost on the day that it ended, the cold war had already begun. We heard Winston Churchill only months later make his famous Iron Curtain speech. The cold war was officially launched.

So our grandparents and our great grandparents and our parents who have come before us have had to go through wars, and not only through wars but through periods of long-time contest between other superpowers, unable to establish a new world order, unable for the United Nations to work as we hoped it could work, unable to meet pressing needs here at home because we had to remain militarily strong and we had to put the economic resources into our military effort to make sure we could maintain the balance of power in the world.

Now for one moment, a very rare moment in history, we have been given the freedom to act in a new way. We have been given the opportunity to make the United Nations all that it could be. We have been given the opportunity to look to our domestic needs. We have been given an opportunity, with the leading nations of the world no longer locked in some kind of military rivalry, to seek new ways in which we can cooperate.

How long will this rare, unique opportunity be given to us? We do not know. A few weeks ago, as we looked at what was going on internally in Russia; for example, the speculation as to whether Mr. Yeltsin would survive, we had to reflect to ourselves had those decisions turned out differently the window of opportunity might well have been closed. If new kinds of nationalists happened to come to power in that country, for example, already possessing a nuclear arsenal, not seeking cooperation but against cooperation with the United States, the window of opportunity would be closed.

If our relationship, which is an improving relationship over time, with the People's Republic of China were to sour, again that kind of relationship with that country and the United States, if it goes the wrong way, could lead to another kind of contest with weapons of mass destruction and military rivalry.

So, we have been given an opportunity, a very, very rare opportunity. But we will not have that opportunity forever. Now, as domestic concerns dominate the agenda and as our foreign policy apparatus reacts on an ad hoc basis from one crisis to another, we may miss the greatest chance ever given to any American generation to make the world a safer place. Let us hope we are not already too late.

Our political leaders in both parties have referred in vague terms to a new world order. But nothing has been done to create one. In particular, the United States must take bold, decisive action in two areas: collective security and nonproliferation.

In the aftermath of World War II, President Harry Truman recognized that collective security was not only possible but desirable. Unfortunately, the advent of the cold war and the Soviet Union's veto power in the Security Council prevented the United Nations from ever developing an effective force to maintain international peace and to help prevent regional conflicts.

But today, the establishment of a standing U.N. military force with contributions from many nations around the world is a real possibility. A well-trained, well-led multinational army or police force makes good sense for America. It would spare the United States the empty choice between standing on the sidelines during international emergencies like that in Bosnia, or going it alone to act as the world's policeman, a role we can no longer afford to play.

At the same time, with our own veto in the Security Council, we would not surrender the ultimate power over the commitment of our national forces.

The creation of such a force can happen only if the United States takes an active leadership role at the United Nations. I am very encouraged by recent statements by the administration, especially by those of our Ambassador to the United Nations, Madeleine Albright, that we are considering new initiatives in this area. It will also require us to push for internal reforms in exchange for our resumption of full and timely financial support of the world organization.

By the same token, American leadership is the key to establishing an effective regime to stop the proliferation of dangerous weapons of mass destruction around the world. The Director of the CIA, Jim Woolsey, has identified weapons proliferation as the most serious long-term threat to our national security. This is the same conclusion that I reached after serving 6 years as chairman of the Senate Select Committee on Intelligence.

It is easy to see why: 23 nations are said to have or to be developing missile delivery capability; 5 to 8 more are said to be developing nuclear weapons; 15 are thought to have chemical weapons; and 8 have biological warfare programs.

In many ways, the threat of future weapons proliferation is even more alarming than the nuclear standoff between the superpowers ever was. During the cold war there was at least a presumption that the United States and the then Soviet Union would act rationally and that this delicate balance of terror, as some called it, would prevent nuclear war by miscalculation.

There is no reason to believe that we can count on the same level of rational calculation from those who are now obtaining dangerous weapons and delivery systems. Some of these nations are among the most unreliable nations in the world, who fail to adhere to common standards of human decency, fairness, and human rights: The rules by which civilized nations live.

In 1952 the Truman administration endorsed a proposal for an U.N. Disarmament Commission to develop plans for dismantling nuclear weapons and guarding or peacefully converting fissionable material. It is time for President Clinton to seize the initiative and to revive Truman's bold plan. An effective nonproliferation regime would include comprehensive verification and inspection procedures for all nations.

It would be backed up by good intelligence capability, which we can help provide to the United Nations, as we have done in cooperating with the United Nations in the case of Iraq and the allegations about their own weapons programs.

It would also require the use of all possible tools of enforcement, including economic sanctions and, in rare cases, even possibly military action by the world community to stop weapons programs that would increase proliferation of dangerous weapons around the world.

But first, the United States must confront its own policies in a way that might have been unthinkable even 5 years ago. We must decide how many nuclear and other weapons we truly need, how much long-range missile capacity is necessary, how much outside inspection of our own capabilities we will allow. Only when we have honestly faced these questions will we be able to make credible nonproliferation proposals to others. That is why a decision now to continue the moratorium on underground nuclear testing is so important and why we should help cause others to follow suit by announcing that we will follow a no first-test policy. We must not be the first to open the floodgates.

A recent series of meetings which I had with leaders in Pakistan, India,

and China brought this point home to me. I met with the leaders of those nations, along with Senator LEVIN and the distinguished chairman of the Foreign Relations Committee, Senator PELL. Conversations proceeded something like this: Pakistan expresses its willingness to do without some weapons but only if India will. India will agree only if China agrees, and China will consider some additional disarmament agreements if the United States and Russia will do so as well.

There is a simple lesson here: As the world's sole remaining superpower, if we do not set the example, we will have neither the practical nor the moral leverage to persuade other countries to behave responsibly. American foreign policy at this critical juncture cannot be limited to an ad hoc series of reactions, even intelligent ones, to world crises. Our leaders must be architects, as well as capable troubleshooters, and we must support them in building that new architecture.

If we fail to plan ahead, to take on the task of building a truly viable new world order, history will hold us accountable. One day, our children and our grandchildren will ask us what we did when we had a chance to make the difference. Let us be able to answer them in good conscience that we have done our best to leave them a safer and a better world. And the President of the United States, if he follows the path outlined in the press speculation today of announcing a moratorium on our part of additional nuclear tests and a no first-test policy will be moving us in a direction that will enable us to play that leadership role broadly to stop the proliferation of dangerous weapons around the world. It will begin to put us in a position to answer our children and our grandchildren by saying, we did all that we could; we did our part to take this moment in history, given to no other generation before us, and we did our part to take that opportunity and to use it as a chance to truly build a new world order, a safer world for all of you.

Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington [Mr. GORTON].

Mr. GORTON. Mr. President, I ask unanimous consent that I be allowed to proceed for as much as 15 minutes.

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

TIMBER CRISIS

Mr. GORTON. Mr. President, President Clinton is about to choose among several options dealing with the timber crisis in the Pacific Northwest. But all of those options offer only despair and devastation to timber country, all ignore people, their families, their communities, and their aspirations. All exalt the spotted owl at the expense of the human condition. None is acceptable.

We northwesterners were encouraged by President Clinton's willingness to come to Portland to listen to real people and see and hear firsthand the full human impact of radical timber harvest level cutbacks. We believed that when he met with timber people, and when he talked to their families, he would understand what we have been trying to say for so long—people cannot be left out of the equation.

President Clinton talked about seeking a balance between human and environmental considerations. He offered workers and families hope for their jobs, and hope for the future.

Now those hopes are shattered. People are not considered to be a vital part of the environment. I have met with administration spokespersons to listen to the proposals they are considering, and it is now clear that people and families were not part of the equation from the onset of the administration's deliberations. People were not only deprived of equal consideration, they were given no consideration. Not one option before the President reflects any real effort to mitigate the economic, social, and human impacts of such drastic cuts in harvest levels.

People in the Northwest's timber communities are shocked, and understandably bitter, to learn that the administration did not find compromise, that the administration did not seek balance. Only a year ago the options apparently now before the President would have surpassed even the wildest imaginations of the most uncompromising preservationists.

But now they want more.

People in timber communities trusted the President. They cooperated in good faith. They proposed compromises that would impose pain on themselves, and they were patient when every month of further deliberation meant another month of unpaid bills. Amid fear and anxiety, they fought to hold their families together as they waited and waited for a decision.

I have been to these communities and I have heard their willingness to compromise. I have seen their determination to hold on week by week waiting for their Government to understand the impacts of its decisions. I have seen how their hope has desperately tried to hide their despair over the last 3 years.

And I cannot describe to you, Mr. President, how it pains me to face their reaction as they learn what the administration has in mind.

This is what they are hearing: In order to provide for the near certain survival of spotted owls and other species, their way of life is to be extinguished. Mr. President, where is the balance in a plan that reduces the productive capacity of these hard-working people in just 4 years?

Our timber communities knew that their futures would be compromised, because balance means compromise. They agreed to balance, knowing that it would be painful for themselves, for their children, and for their communities. They agreed to compromise trusting that their administration was truly seeking balance.

But there is no balance in any of the administration's options.

That is why Washington's timber communities are not ready to give up the battle—and that is why I will fight. If the majority in Congress and every newspaper editorial and every environmental group is on the other side, this Senator will still fight because injustice must be fought and because the options the administration is considering are viciously unfair. Working people who have trusted this administration deserve at least a voice on their behalf.

I want to say a word to those people from Washington State, in fact a large majority, who do not work in the timber industry and will not be directly affected by any decision on this issue. You have said that you, too, want balance—that the timber industry must modernize its practices and that the old growth forests and the owl, as well as rural communities, are worth saving. This is the majority view and it is a view that deserves respect.

But these proposals are not that balanced.

The people from timber country are a minority. But they are just as real a minority as are Boeing employees, or dairy farmers, or the fishing industry—minorities who are also struggling to hold onto their jobs, their security, and their sanity.

But the awesome power of the Federal administration, cheered by important elements of the national and regional media, seems determined to liquidate the economic futures of tens of thousand's of rural families who have few, if any, options beyond Government assistance, a globalized form of welfare.

In a recent column in the Seattle Times, Ross Anderson gave a good piece of advance to the administration's timber team:

> We can't afford to idly abolish an industry that still employs thousands of our neighbors from Colville to Forks. * * * The President should know that our timber crisis, while complicated is not unsolvable. * * * Because honest to goodness, those trees will grow back.

The President should also know that the jobs, the communities, and a way of life can't grow back if even the most generous of his proposals is approved. Before my colleagues support these proposals, I pray for more than a vague desire to see old trees and rare animals saved and a consideration of hard facts.

In 1989, national environmental groups said that the Northwest timber harvest needed to be reduced to 3.9 billion board feet, and it was. Since then,

their demands have gone from 3.9 billion to 3 billion to 2 billion and then last week, for the first time, learning that the administration might consider a reduction to just over 1 billion, they said that the level should be not more than 500 million board feet.

Almost all of the options before the President, including the preferred option, would provide a meager 1.2 billion board foot average annual harvest from public lands in the Northwest over the next 10 years. That is less than one-fourth the harvest levels in the 1980's when even then contrary to popular environmentalist propaganda, our forest were growing faster than they were being cut. This is not a balanced solution.

Each billion board feet of timber harvested supports 18,000 jobs in Northwest timber communities. Those are not my figures—they are taken from a study done by a Democratic administration in Washington State. That means that this administration has chosen a course that will deliberately destroy, or confirm the destruction of, the jobs of 72,000 Northwest workers that existed only 3 years ago.

Only a few months ago, my State made dubious national headlines when Boeing announced widespread projected cutbacks. President Clinton saw the urgency of restoring those jobs, and formed a National Commission to restore the airline industry to health. In Washington State and across the Nation, people recognized the frightening impact of such huge and widespread layoffs. Imagine the tremors rumbling through my State today as we realize that if the administration goes forward with even the best of its proposals, timber communities of the Northwest will be deprived of four times as many jobs as this year's Boeing cutbacks.

Balance? Compromise? Where, Mr. President?

Timber communities were realistic. They knew we would not see a return to the harvest levels of the 1980's. But they felt that the President's timber team would come up with a solution that, while it locked up more land, still provided at least a minimum acceptable cut level to relieve the hardship on timber communities. The team did not, Instead, the administration is considering proposals that at the very least will throw 72,000 people out of work; 72,000 jobs. Just a statistic, and as statistics always do, a mask to the reality of human suffering. It isn't easy to put faces on numbers—but put yourself in the shoes of the 72,000 families in the Northwest who are anxiously waiting the results of the administration's search for compromise and balance.

You have three children. Your husband has worked in the Olympic National Forest since he was 15, and is now making $40,000 a year. You have a $30,000 mortgage on which you pay $450 a month. The proposals being considered by the administration will assure a permanent shut down of timber harvesting where your husband works—and you will not be able to make your mortgage payment.

But for today, that is the least of your worries. You are more concerned about making those last few dollars stretch far enough to put dinner on the table. You see your son come home from school and realize that another patch on his jeans will not save them this time. You try explaining that you are doing the best you can, and that soon, the President will announce a new plan that will not guarantee dad's job, but may help—and yet you only hear yourself repeating the same 3-year-old financial apologies and explanations that your children have practically grown up on.

You hear pundits on TV telling you that your husband will just have to find a new job. But there are no jobs in your community. In fact, the only jobs in town outside of the timber industry also vanished when the timber industry was brought to its knees 3 years ago.

So you consider packing up, moving, and selling your home.

But you look out your window, and your next door neighbor's house is for sale. The house across the street is for sale. In fact, it is not just a few homes for sale in your neighborhood, and a few homes for sale across town—most of your entire neighborhood is for sale. Entire neighborhoods in the surrounding communities are for sale. The market is depressed, and your family's lifetime investment has suddenly become worthless.

You are 42 years old. Is a Government retraining program going to help you and your husband save enough to send your kids to college or assure a safe retirement? Fat chance.

Is the President going to return to the Northwest to explain how the sacrifice of your family's future equals balance? Fat chance.

Mr. President, I cannot say strongly enough that the administration's proposal would not just force a few families scattered throughout a few communities to relocate and find new jobs. Communities across one-third of my State, which have struggled through the pain of the last 3 years, will be extinct in months if even the best of options being considered by the administration is approved.

These are the considerations which we have begged the administration to consider.

People. Families. Children.

Mr. President, my critics have said that my efforts have raised false hops for working families and timber communities. False hopes?

It is false hope to go to the Northwest as a candidate for President and promise a summit that will bring balance to this controversy, presuming that a balance means a level somewhere between the views of the competing factions—but then produce this proposal.

It is a false hope to speak to the American people about the ravaging effects of joblessness—and yet offer a proposal which will eliminate 72,000 jobs in timber communities.

It is false hope to profess a deep concern and deep understanding of the people who are caught in the timber crisis, and speak about devising a solution that considers people to be just as important as the spotted owl—but then spend months working on a plan based only on species abstractions and sterile statistics that can never deal with the extent of human suffering rampant throughout Northwest timber towns.

The false hope, Mr. President, was that given by an administration that talked of a balance it never seriously considered.

Worse, it turned the honest participation of timber families in the process of compromise into a sham. Those families have a right to feel betrayed by their Government.

Today, I can raise no positive hope for working families whose jobs depend upon Northwest Federal forests. I do know that they are still willing to go back to the process of finding a fair balance that will set aside enough old forest and save enough jobs.

They and I do not expect a return to the harvest levels of the eighties, but we do expect that people and families will be given at the very least, equal consideration. We do expect a balance—and we will accept a true compromise.

So today, I speak not to raise hopes about what the administration will propose. I simply close with a promise. Never in my lifetime will I vote for a so-called solution which will destroy the futures of so many of my friends.

The PRESIDING OFFICER. The time of the Senator from Washington has expired.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,308,429,367,169.37 as of the close of business on Thursday, April 1. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is $16,773.52.

IN HONOR OF JENNELLE MOORHEAD

Mr. HATFIELD. Mr. President, a person special to me and to my home State of Oregon will celebrate her 90th birthday next month. Jennelle Moorhead is known in Oregon for her distinguished career in the field of education. Her years have been rich and full, giving her and her family much to celebrate this July 13.

Jennelle Moorhead began her career as a college professor at the University of Oregon in 1946. Her work in the educational field, however, has extended far beyond the boundaries of Eugene, OR. Mrs. Moorhead served as both the president of the Oregon Congress of Parents and Teachers from 1950 to 1953, and later as the president of the National Congress of Parents and Teachers from 1964 to 1967. She has worked to foster the vital link between parents and teachers in the education of children.

The scope of her vision, however, has not been limited to educational issues within the United States. Mrs. Moorhead served four terms on the U.S. National Commission for the United National Educational, Scientific, and Cultural Organization. She has personally studied the problems of health and education in eight South American countries, bringing her global perspective to the University of Oregon as its director of South American study-travel programs.

I first met Jennelle Moorhead while she was a student studying broadcasting during the 1930's. During my years as Governor of Oregon, I was pleased to support her progressive efforts in the field of education. Her years of tireless service have benefited many.

The accomplishments of Mrs. Jennelle Moorhead fill pages, and I can only cite a select few today. I would be remiss, however, were I not to mention the 10 accomplishments of which I would imagine Mrs. Moorhead is most proud: raising George and Bruce, her two fine sons, and grandmothering Lorna, Darcy, Kurt, Sharon, Bruce, George, Sarah, and Lois. On behalf of them all, I would like today to wish Mrs. Moorhead a very happy birthday.

RETIREMENT OF SENATOR HOWARD METZENBAUM

Ms. MOSELEY-BRAUN. Mr. President, yesterday, Senator HOWARD METZENBAUM announced that he will be leaving the Senate when his term ends in January 1995. I have not had the chance to serve with the distinguished Senator from Ohio for very long, but I have known him and known of him long enough to be able to say that his departure will be a real loss to the Senate and to our Nation.

I have watched Senator METZENBAUM'S career for a long time, but it was not until I came to this body that I began to fully appreciate the enormous energy and commitment he brings to the Senate. HOWARD METZENBAUM serves on four Senate committees; he is not just active, he is extremely active in all of them. And yet he still finds time to be very active on the Senate floor as well. He sets a pace that I am sure wears out his staff, the staffs of all of the committees on which he serves, and the staffs of other Senators who have to react to his numerous initiatives and activities. He works as hard as two or three more ordinary men.

But there is nothing that is ordinary about HOWARD METZENBAUM. He is an extraordinary person, and an extraordinary Senator. His hard work, his drive, his commitment, his passion, and his energy are all devoted to the public interest. He has always been a voice for ordinary Americans, and he has always fought for them.

Senator METZENBUAM is a man of principle and integrity. And he has always been tenacious in upholding those principles. There are times when Senator METZENBAUM has brought Senate action on legislation to a complete stop. But when he acted, it was always because he believed he was right. And once he had taken a stand, no amount of pressure could force him to bend. He did not always win, but he never compromised his principles.

He has been a champion for individual liberties, and for those in our country who have had the last. He has fought for the interests of working people and of the American consumer. And he has fought to open the doors of opportunity for minorities, and for women.

I want to take particular note of his activities in the tax area. Time after time, he stood on the Senate floor, fighting to prevent Tax Code giveaways to special interests. He brought these giveaways forcefully to the public's attention, and to the Senate's attention, and he made sure that special interest tax amendments that could not stand the light of day did not become part of our tax law.

I have always thought it strange that Government grants and loans are subject to tight budget controls, but that tax expenditures of enormous size, and that benefit very few people or companies could be put into bills with no hearings and no votes at all. HOWARD METZENBAUM helped ensure that this issue got the attention it deserves and the country owes him a real debt of gratitude for that, even if he had never done anything more—and, of course, he has done much, much more.

There is a lot more I could say about Senator METZENBAUM. I am grateful for his friendship, for the opportunity to serve with him, and for the help he has provided me personally.

He was a bridge builder for me during my campaign. He appeared for me and he argued eloquently and forcefully for the kind of inclusive, coalition-building politics that I think we must pursue. He has always been at the forefront in the fight for civil rights, and he has consistently sought to bring the benefits of opportunity to those who have had so little opportunity in the past. I admire and respect him greatly.

I simply want to conclude by saying how glad I am that I haven't been on the opposite side from the Senator from Ohio on a major legislative issue—because if HOWARD was on the opposite side, my chances of winning would be reduced by much more than the vote of a single Senator.

HOWARD METZENBAUM'S career is a demonstration of how much of a difference one person can make. And importantly, it is also a demonstration that compromising one's principles is not an inevitable part of achieving success. HOWARD METZENBAUM has always kept his principles and his integrity intact. I will miss him when he retires, and I am glad he is not retiring yet. There is much work to be done in the next year and a half. I look forward to continuing to work with Senator METZENBAUM, and to continuing to learn from him. I know his energy for the good fight has not diminished in the least—I know it never will.

RECOGNIZING THE DISTINGUISHED SERVICE OF REV. JOHN T. RICHARDSON, C.M.

Ms. MOSELEY-BRAUN. Mr. President, I would like to recognize Rev. John T. Richardson, who is retiring after 12 years as president of DePaul University in Chicago, IL.

Reverend Richardson has led a rich and enlightened life. He received a bachelors degree in philosophy in 1946, and 3 years later was ordained to the priesthood. In the following years the Reverend earned licentiate and doctorate degrees in Sacred Theology from Angelicum University in Rome, Italy, and in 1954 he continued his education with a master of arts in sociology. The following year he joined DePaul University as a professor of law, and later became dean and vice president. Twelve years ago he assumed the role of university president.

During his tenure at DePaul, Reverend Richardson has created a curriculum which has taught the lessons of the past while keeping the needs of the future in sight. He has guided DePaul in its essential role within ever-changing domestic and global settings, leading DePaul University to the forefront of higher education in the city of Chicago.

Mr. President, I would like to join my voice with those of his many friends and students, whose lives he has touched and enriched, in thanking the Reverend for his commitment to education and wishing him the very best in the years to come.

TRIBUTE TO WALTER "SPEEDY" TRAVIS

Mr. PRESSLER. Mr. President, during my Memorial Day recess visit to South Dakota, I had the sad duty to attend the funeral of my sister's young nephew.

Later on the day of the funeral, I decided to visit the residence of the Jenkins Methodist Home in Watertown, SD. I'm glad I did. I met with several of the elderly residents of this home and their enthusiasm and positive outlook on life greatly lifted my own spirits. In particular, I was reinvigorated by my conversation with Mr. Walter "Speedy" Travis, who is now 98 years old.

I have known Speedy since 1959. That year I attended South Dakota Boys State where he was a counselor. In fact, as State adjutant for the American Legion in South Dakota for almost 20 years, he was the main figure in shaping the Boys State program each year. He had a tremendous influence on the lives of many youths and future leaders of our State.

He was highly respected in the South Dakota State Legislature as the chief spokesman and lobbyist for the interests of South Dakota veterans. He was held in such high esteem for his decades of public service that a chair outside the entrance to the statehouse chamber was named in his honor. No other individual has been so honored during South Dakota's 104 years of statehood.

Speedy Travis was in his usual good spirits when I saw him and his friends on Memorial Day. To this very day the tremendous wit and wry sense of humor that made him such a successful and popular representative of veterans' cause and other interests make him a joy to be with. Ever since I first ran for a seat in the U.S. House of Representatives in 1974, his advice has been important to me. He has given wise counsel to many other South Dakota public figures, as well.

It is a great pleasure to know Speedy Travis. I wish everyone could meet him. Today, as a resident of Jenkins Methodist Home, he is once again an advocate for the people who are most important in his life—his fellow nursing home residents.

Mr. Travis wrote an editorial that appeared in the May 10, 1993, Watertown, SD, Public Opinion. His editorial persuasively dispels the gloomy image of life in a nursing home and encourages people to visit those who live in nursing homes. He persuaded me. I am grateful that he did.

Mr. President, I ask unanimous consent that Walter Travis' editorial appear in the RECORD.

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

[From the Watertown, SD, Public Opinion, May 10, 1993]

WHO CAN SPEAK BETTER ABOUT A NURSING HOME THAN A RESIDENT?

(EDITOR'S NOTE. Walter (Speedy) Travis recently turned 98 years young. Walt is a well known former newspaperman and American Legion spokesman in South Dakota. Below are his comments that flowed through the same old typewriter that spewed forth over the years his hundreds of his columns. While they relate to his residence at the Jenkins Methodist Home here since moving there in October 1991, his message speaks loudly for the residents of all nursing homes.)

(By Walter Travis)

I do not know much about Jenkins Methodist Home, but I am learning.

I didn't have to unlearn much—I didn't have much of an idea what the place was like because I didn't have much contact or background. I'd been in the place just once. I came to visit Charlie Halbkat when he was here. I came once. Why not more often? I guess I felt that I had done my Christian duty and I didn't want to over-do it. I knew several people who were living at Jenkins, but I hadn't had much contact with institutionalized people.

When I was a kid, there was a place in Pierre called the Pest House. If you had smallpox, they threw you in the Pest House. I understand now, that if you were broke, abhorred bathing, or answered questions honestly and made the "powers that be" uncomfortable, you could also end up in the Pest House. People stayed away from the Pest House.

When I turned 90 and began to display evidence that I would have to enter a nursing home, I realized that there was something like the Pest House that came to mind whenever I though of an institution.

Well, Jenkins does not fit this picture. I believe that I knew this from the start, but not consciously. Really, the only similarity I have found is the imaginary wall that discourages congeniality between the residents of Jenkins and rest of Watertown.

Actually, it is hard to understand why there aren't more people visiting Jenkins. Whether the residents realize it or not, they are hungry for visitors. Maybe outsiders think Jenkins feeds people food that is below average. On the contrary, the food is good and each resident is contacted weekly for his choice from two different menus for the coming week.

Maybe the outsiders think that the residents live bleak, uneventful lives. This is untrue. There are a variety of programs, from bingo to reminiscing. Do they think that we can't laugh? At Jenkins there is more variety and laughter than you can shake a stick at! Do they think we are confined? I attend Rotary every Thursday noon and go to church whenever transportation is a available. I even participated in the Legion Convention last month.

Do we smell kind of neglected? Baths are mandatory every week. I think we could win a contest of acceptability against any similar group in town.

So, come, and see us sometime—and help me get rid of that Pest House picture.

CONCLUSION OF MORNING BUSINESS

Mr. CRAIG. Mr. President, may I inquire of the Chair, are we now moving out of morning business?

The PRESIDING OFFICER. Morning business, the Chair would advise, is now closed.

EXECUTIVE SESSION

NOMINATION OF GEORGE T. FRAMPTON, JR., TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider the nomination of George T. Frampton, Jr., which the clerk will report to the Senate.

The legislative clerk read the nomination of George T. Frampton, Jr., of the District of Columbia, to be Assistant Secretary for Fish and Wildlife.

The Senate resumed consideration of the nomination.

Mr. CRAIG. Mr. President, I resume discussion and debate on the nomination of George Frampton, Jr., as Assistant Secretary for Fish and Wildlife. President Clinton nominated George Frampton for that position. The Energy Committee has reviewed Mr. Frampton and on a mixed vote brought him to the floor for purposes of consideration of his nomination.

Last evening, I spoke in opposition to this nomination for a variety of what I believed to be very important reasons for this Senate to consider.

Let me continue my discussion of Mr. Frampton this morning by making a variety of points that I think are not only important for the record but for the citizens of this country to recognize as it relates to the type of person President Clinton has nominated to fill this most critical and important position.

Let me, first of all, express my concern about the role that George Frampton played in his former life as president of the Wilderness Society.

For a good number of years now, Mr. Frampton has been an outspoken critic and an advocate of a very important position in this country, a position of environmental advocacy. And let me quote from a statement he made before the Energy Committee during his confirmation hearings that I think expresses the George Frampton that concerns me a great deal as he stands to assume this key and important role of Assistant Secretary of Fish and Wildlife.

He says:

Since I have been an advocate for most of that career—

Referring to his career of 25 years, both his professional career but primarily that of being president of the Wilderness Society—

Since I have been an advocate for most of that career, let me tell you what I believe effective advocacy entails.

First, it is developing a position based on facts, sound science, and good economics. Second, it is bringing a sense of fairness to the table, because only fairness and common sense enable the advocate to shape a detailed proposition or program that will command a

broad base of support from those with differing views. And third, it is maintaining personal credibility with those on all sides.

That sounds like a fair position. It is a position that George Frampton strongly believes in. As he said, he has been an advocate most of his professional career. Now, will Mr. Frampton change? Can he be an advocate and be Director of the U.S. Fish and Wildlife Service and serve the common good of the country?

In morning business this morning, you just heard my colleague from the State of Washington talk about the absolute crisis that is occurring in Washington, Oregon, and northern California over a decision, through the Endangered Species Act, on the spotted owl, a decision and a mitigation plan that has largely been put together by the U.S. Fish and Wildlife Service, the very service that George Frampton will soon be directing.

Can an advocate, a strong environmental advocate of the kind of George Frampton fairly and in a balanced way deal with these kinds of critical issues? I strongly question that. And it is of that concern that I have openly spoken opposition to Mr. Frampton's nomination, and why I will oppose him on this floor and vote against him.

The reason I say that is because a colleague of mine in the House, a Democrat, a former Congressman by the name of Les AuCoin, on September 5 of 1989, wrote a letter to George Frampton speaking of this very important issue in the State of Oregon, the issue of the spotted owl, and the ramifications of what would happen if a difficult situation came down that in a sweeping way discontinued a lot of the cut that was occurring in old-growth timber in that State, the very issue that SLADE GORTON of Washington was just speaking to.

After all of the discussion and the debate and the public attention that has occurred over this issue, let me read a concluding paragraph that Les AuCoin said in this letter.

I can only conclude that, after months of effort to accommodate your organization's concerns within the framework of the Salem compromise, you reject that framework and you are not interested in playing a constructive role in resolving the matter.

That is a very important statement. Mr. Frampton and the Wilderness Society was not willing to engage in a constructive role in solving an issue that put 27,000 people out of work in Oregon, Washington, and northern California. And as that issue deepens, as more people become unemployed, there are now studies out, much of the kind that was referred to buy the Senator from Washington, where it is projected that if this is not resolved, 110,000 to 120,000 men and women will be out of work.

Of course, this has become a high-profile issue. When President Clinton was candidate Clinton, out in the States of Oregon and Washington, he said he would solve this problem in a no-net-job-loss kind of an approach. We know they are now working at this and making recommendations.

Yet, he has nominated someone to head up the organization inside the Department of the Interior who was not a constructive player in this issue, and who took an adversarial role, knowing that he would put thousands and thousands of people out of work; a person who has committed his life to the role of an advocate, who now wants to be an administrator, who now says he can approach this issue in a fair and balanced way. I strongly question his talent or his capability to do that.

Let me ask unanimous consent that the letter of Les AuCoin to George Frampton of September 5, 1989, be printed in the RECORD.

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

HOUSE OF REPRESENTATIVES,
Washington, DC, September 5, 1989.

GEORGE T. FRAMPTON, Jr.,
President, the Wilderness Society, Washington, DC.

DEAR GEORGE: I think you need to know that you have created an enormous problem that, if it goes unrepaired, will not reflect well on the Wilderness Society or the environmental movement in the weeks, months, and years to come.

I write in reference to your letter of July 28, 1989 to Members of Congress concerning Section 318 of the Senate version of H.R. 2788, the Fiscal Year 1990 Interior Appropriations.

The problem goes beyond the obvious inaccuracies in the letter itself. The content of this letter calls into question the intent of the Wilderness Society to be a constructive, fair player on public forest issues in the Pacific Northwest.

Let me detail some of the inaccuracies in your letter:

The third paragraph states that, based on court actions, the Forest Service and Bureau of Land Management cannot sell certain timber sales ". . . until they comply with environmental laws."

In neither case has there been a finding that either agency is in violation of any law. In the case of *Seattle Audubon* v. *Robertson*, the court reversed an initial denial of request of preliminary injunction and it has in fact imposed a temporary restraining order which has been stayed pending the outcome of Forest Service and U.S. Fish and Wildlife Service conferencing on proposed timber sales.

The case of *Portland Audubon* v. *Lujan* has a different set of circumstances, but in each case one fact is unequivocal: No court has found either agency in violation of the laws—NEPA, NFMA, FLPMA, ESA, or any other statute.

Thus, the conclusion that Section 318 ". . . overrides two major federal court decisions . . ." (paragraph 1) and similar charges elsewhere in your letter are similarly inaccurate.

And, the statement that Section 318 ". . . voids the injunctions . . ." is misleading in that the injunctions are voided only if the parties to the lawsuits fail to enter into a court agreement outlined in subsection (f) of Section 318. Environmental leaders sought in our negotiations to resolve the current legal situation through an agreement, rather than by voiding the cases. In fact, your Vice President, Syd Butler, ably led the discussions on this issue.

We in the Northwest delegation took this idea as a good-faith proposal and we incorporated it into Section 318(f). The grounds for the present injunctions are obviated only if the parties to the lawsuit fail to reach an agreement. In other words, we have given your own proposal a chance to work. To state that the Senate proposal does otherwise, as you do in your letter, badly misleads my colleagues in the House.

You also choose to state, in bold type in paragraph 5 of your letter, that "(t)he effect of this bill is to prohibit all citizen challenges to a broad category of recource management agency options . . ." Again, this is wrong.

Citizen appeals of timber sales are permitted explicitly in subsection (d) of Section 319. Legal challenges are only prohibited on those FY 1989 sales which are now off-limits from sale but which would be explicitly released for sale by parties to the lawsuits in the agreement mentioned above.

As you know, there have been prohibitions placed on judicial review of timber sales in the past—in particular, on the Silver Fire recovery program and the resale of bought-out sales on the Mapleton Ranger District. In writing Section 318, we took to heart the environmental groups' concerns about such broad limitations and crafted a proposal which not only protects access to the courts but also provides remedies—void of sales—if a court finds either agency in violation of the law.

So, your charge that "(p)recluding citizen access to the courts to challenge agency decisions is a dangerous precedent . . ." is simply without foundation.

Finally, the letter suffers badly from sins of omission. Left unspoken are the steps taken in Section 318 to protect old growth forests: a biennial reduction in west-side timber sale volumes of a billion board feet; direction to minimize fragmentation of significant old-growth stands; and involvement of citizen advisory boards to help shape this short-term timber sale program. Section 318 represents the first-ever congressional recognition that significant old growth forests should be treated specially.

Instead, you portray Section 318 as a one-sided affront to environmental goals in Pacific Northwest forests.

That gets me to the point beyond the explicit inaccuracies of the letter. In my 20 years of public service, I have come to rely on the trust and good faith of the people with whom I work—adversaries as well as allies. I have to this point been able to include The Wilderness Society among those allies. We have stood together on such issues as Oregon Wilderness, the Columbia Gorge, Oregon Wild and Scenic Rivers, and Arctic Wilderness, to name a few.

Your letter, quite simply shakes my faith—my trust—in you organization's desire to be a constructive player on public lands issues that are vital to the people who live in my region. After some early bumps, and bruises, I though Syd Butler and Larry Tuttle in particular were playing a very constructive role in making the outline of this northwest forest proposal into a creative, workable short-term solution.

Now comes this sudden, surprise emergence of your letter—delivered to every House member without even a word to members of the Northwest delegation who have

painstakingly worked on this issue with The Wilderness Society and other organizations. The letter tells me that The Wilderness Society apparently intends to fight this proposal, and, in doing so, to forsake the opportunity to reach long-held environmental goals of old-growth protection and reduced timber sale targets.

I can only conclude that, after months of effort to accommodate your organization's concerns within the framework of the Salem compromise, you reject that framework and you are not interested in playing a constructive role in resolving the matter.

If, in fact, you have chosen obstruction over conflict resolution on Northwest forest issues for the long term as well as the short term, I will continue my efforts to seek a reasonable solution to this difficult issue. I will do so, however, without the input of The Wilderness Society.

And, I will remember that, in a business where trust is the coin of the realm, your currency is of little value.

Sincerely,

LES AUCOIN,
Member of Congress.

Mr. CRAIG. Mr. President, that is one issue.

Old-growth forests were a critical issue throughout that whole debate.

Here is what an AP story of April 3, 1991, said of that issue, quoting Mr. Frampton:

"The Bush administration has a secret plan to override the Endangered Species Act, the National Forest Service Management Act, and other laws to allow the timber industry to continue to liquidate our forests."

You and I both know that simply was not true. History now shows it was not true. No forest got liquidated. The saws stopped, the mills stopped, the communities went silent, and thousands and thousands of people are now out of work.

Yet, Mr. Frampton was out there being the advocate, being the noncompromiser, playing the role that he played so well for so many years, but making these statements, these accusatorial kinds of statements that someone else was involved in a conspiracy, not he and not his organization.

That, of course, is very disturbing to many of us who recognize how difficult this situation is. And here is a man coming into an administration who has pledged, and I believe in a most sincere way, to try to resolve this issue.

Let me suggest to you, President Clinton, George Frampton will not be a solver of this problem when he was, in fact, a participant in the creation of the crisis.

Let me add another, I think, important point for the record. I am referring now to a print of a news story that came from Federal Information Systems Corp., the Federal News Service, copyright 1992. This was a press conference that George Frampton held as president of the Wilderness Society in Oregon, as it related to the spotted owl.

I think we can all recall, when finally this had arrived at a crisis and the Bush administration was trying to solve the problem, and under the law that the Senate passed and the House passed a couple of years ago to create what we call the God Squad, when all else fails, to send in a team of people to try to mitigate and resolve this issue and come up with a solution. Here is what Mr. Frampton had to say about that. He said:

"This is a circus, an invitation of mob intimidation of the administration's law judge, who is hearing the case, and the God committee's membership itself."

This is this fair and balance-minded man, who is going to become Director of the U.S. Fish and Wildlife Service, who plays to the crowd as an advocate, saying it is a circus. Yet, he is going to be now a fair judge and a solver of the problem that he created? He said:

It is a sham and a disgrace—

I am quoting his own statement—

an intentional effort by Secretary of Interior Manuel Lujan to correct the legal process and to use political muscle to compensate for a lack of evidence in the case.

Those are the quotes of George Frampton; those are the quotes of an advocate. Those are the quotes of a man who says advocacy is a fair and balanced way of arriving at a reasonable solution. This is the mind of George Frampton; those are the thoughts of the new Director of the U.S. Fish and Wildlife Service. And I think that should concern all people who have direct association with or need to associate with that agency.

Why am I concerned? Many will say: Well, Senator Craig; you have always had these opinions. Mr. Frampton and you just disagree.

Yes; that is true. When George Frampton came to my office, I was very straight-away with him in saying just that: We have very little in common as it relates to what we believe, what we believe is good for public-land Western States. Idaho is not much different than Oregon or Washington or Montana or New Mexico or Nevada, many public-land States, where the citizens, through the wise use of the public resources, through the public policy created by this Government, find their lifestyle, find their economies—whether it is logging, whether it is mining, grazing, recreation, multiple use, single use, all those things in combination—over time have built the West and made it the marvelous place to live which it is.

Yes, thousands and thousands of people are out of work today because George Frampton, as an advocate, along with a variety of other interest groups, used the public policy, straight-away, in a fair way; I am not saying they manipulated it, but I am saying that in an inflammatory style they created the problem they did.

What does he have to say about public land management? Let me quote George Frampton, from an article in the EPA Journal in 1992:

To many, sustainable development should be the goal to future management of our Nation's public lands.

"Sustainable development" is the new buzzword of this administration. George Frampton will become an advocate of that. I believe he already is. "Unfortunately, sustainable development stands directly contrary to the status quo." I am quoting George Frampton.

Traditional Federal land management policies threaten both the environment and the economic health of local communities by enhancing commodity extraction over ecosystem protection.

In other words, the status quo that creates thousands and thousands of jobs in my State and in the State of Montana is the very thing George Frampton wants to change. He has said so publicly time and time again. He says that it is unacceptable that we have to go to the concept of sustainable development and that we must not dramatically change the status quo. Well, that is George Frampton. I am quoting him from an article in the EPA Journal, 1992.

What does he have to say about wilderness? That is an important issue for us, one that I think we all recognize as an important part of an overall management plan for our public lands. He says:

There are another 90,000 to 100,000 acres of wilderness deserving our protection, and we would like to see it happen before another quarter of a century passes. People are beginning to perceive that threats to the natural systems are threats to human survival similar to the nuclear bomb.

In other words, it is a unique kind of relationship he attempts to establish. The wilderness system is only a little piece of that, but it is a symbol of what we need to preserve. What the wilderness bill does is save a few fragments of America that were created over millions of years ago.

I think all of us recognize, Mr. President, that wilderness is an important part of the overall management scheme that we have proposed for our public lands, recognizing the designation of them. But we, also, in public land States in the West recognize a need for balance, the need for access to our public lands. I do not think it is unique that the overall use of wilderness has dropped precipitately in the last decade, that fewer and fewer people are using wilderness or accessing it, because it is difficult to access, because time is limited; because, also, we have a generation of people who want services, want a variety of services, as it relates to their access to recreation and public lands, and wilderness does not afford that.

Yet, Mr. Frampton and his organization are constant advocates of increasing the number of acres of wilderness,

which locks people out largely, except those who wish to trek it by foot or horseback. It disallows a variety of people—whether they be old or in some way frailed by a condition—access to these beautiful spots in our country.

Well, I support wilderness. I think most Senators on this floor do. But we do it in some degree of balance and in some degree of fairness that I believe has been not reflective of the gentleman who seeks to be the Director of the U.S. Fish and Wildlife Service.

There are others who will be speaking as to the nomination of George Frampton, and with those thoughts, I will reserve the remainder of my time.

Mr. BAUCUS. Mr. President, on April 28, President Clinton nominated George Frampton to become the Assistant Secretary of the Interior for Fish and Wildlife and Parks.

In that capacity, he will oversee the National Park Service and the U.S. Fish and Wildlife Service. If confirmed by the Senate today, he will be charged with a number of key responsibilities, including protection of endangered species, management of the National Wildlife Refuge System, and conservation of migratory birds, wetlands, and sport fisheries.

As my colleagues know, these are very difficult and politically charged issues.

Just over 1 month ago, the Committee on Environment and Public Works favorably reported the nomination of George Frampton. There was no great controversy on either side of the aisle. In fact, the committee reported Mr. Frampton's nomination unanimously.

The only real issue being raised by the few opponents of this nomination has to do with the policies that George Frampton supported during his last 7 years as the president of the Wilderness Society. Many people in my home State of Montana, and in fact many people throughout the Western United States, strongly disagree with those policies, the policies of the Wilderness Society.

The question, however, today, is not what the Wilderness Society believes, but what George Frampton as Assistant Secretary of the Interior believes; whether George Frampton will be sensitive to legitimate points of view on a wide array of issues, ranging from water rights to grazing fees to implementation of the Endangered Species Act. I believe that he will.

I understand the concerns that have been expressed about whether George Frampton will act in a balanced manner, whether he will listen not only to some of the conservation community, but also to other Americans, farmers, ranchers, small business people, who also have an equally legitimate point of view.

I have some of those same concerns, and I have shared them directly with him in meetings and in the Environment Committee's hearing on his nomination. I asked very direct and frank questions on all these issues. When George Frampton was running the Wilderness Society, he and I disagreed on a number of key issues, most recently the Montana wilderness bill. That is to be expected. He had his job to do as head of the Wilderness Society, and I had my job to do representing the people of Montana.

Mr. President, I think it is also important to remember that on all wilderness issues, it is Congress which designates wilderness acreage. Whether or not any agency recommends certain acreage or not or any group represents acreage or not, it is ultimately the Congress, this body and the House of Representatives, which decides what acreage is actually designated as wilderness. It is also important to remember, with respect to wilderness issues, that we are generally dealing with National Forest Service acreage. Mr. Frampton, if confirmed, will be Assistant Secretary of the Interior, an agency which has no jurisdiction over the National Forest Service whatsoever. The National Forest Service is under the jurisdiction of the Department of Agriculture, an entirely separate department.

So any Senators who might be concerned about Mr. Frampton's concerns and views on wilderness when he was president of the Wilderness Society should remember that, first of all, he is not going to be president of that society anymore. He is going to be working for the President of the United States and working for the American people. And, second, he will be working in a Government Department, a Government agency that has nothing to do with the U.S. Forest Service and certainly, therefore, U.S. Forest Service designations on wilderness.

When I came away from our hearing, I was convinced that George Frampton will approach all of the issues, including issues concerning the West, with a very open mind and with sensitivity. I believe that he understands the importance of maintaining both a strong and healthy environment and a strong and healthy economy. And he understands that they are not mutually exclusive, but in fact they are mutually dependent.

George Frampton understands the job for which he has been nominated is a very difficult job and a very different one than the one he had been pursuing for the last 7 years. I believe he knows he is going to have to listen and take into account the views of many different constituencies, and he knows that, ultimately, he is going to have to balance many of their competing and legitimate interests.

George Frampton's background suggests that he has the experience and skills to do the job. A sketch of his background over the last two and a half decades reveals a pragmatic professional, not an environmental extremist.

He has degrees from Yale College, the London School of Economics, and Harvard Law School.

He was a VISTA volunteer.

He served as a law clerk to the Honorable Harry A. Blackmun at the U.S. Supreme Court.

He served as assistant special prosecutor for the Watergate Special Prosecution Force.

For 10 years he practiced law, serving as deputy director and chief of staff for the Nuclear Regulatory Commission's special inquiry into the accident at Three Mile Island.

And I think this is very important, this next point. He represented the State of Alaska, a very Western State—it is pretty hard to get more Western than the State of Alaska—he represented the State of Alaska in administrative proceedings in the cost of trans-Alaska pipeline system construction. He very much knows the Alaskan and Western States' point of view.

And, he has distinguished himself as a professor at Duke Law School, teaching on the constitutional division of power between the Congress and the Presidency.

This is the background not of an extremist, but a fair-minded and pragmatic man who I think understands that he will now be working for President Clinton and, more importantly, for the American people.

As a very important point, Mr. President, it is clear from Mr. Frampton's background that as a lawyer he very much understands not only the need, but the duty to fully represent his client, and that is what he has been doing. He has been fully representing his client in the various capacities he has served and he is now going to be fully representing another client, and that other client is the American people.

We are a large country, hundreds of millions of people, a vast array of interests and points of view. It is a very difficult job he has, but he knows his client now is a different client. It's not the Wilderness Society, not VISTA, not the State of Alaska, not anything else he has been representing, but now it is the American people.

I believe, talking with him, he not only understands that but will pursue those new interests very, very faithfully.

In short, George Frampton has the knowledge, experience and professionalism to be a good steward of this Nation's fish and wildlife and its national parks.

I urge my colleagues, therefore, to support President Clinton and his nomination of George Frampton to be Assistant Secretary of the Interior for Fish and Wildlife and Parks.

I yield the floor.

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

The PRESIDING OFFICER (Mr. CAMPBELL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. 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. CRAIG. Mr. President, in discussion of the nomination of George Frampton, as my colleague from Montana has just stated, he will have the responsibility of managing and overseeing the direction of our National Park System, clearly one of the beauty areas of this Nation, what we have often times referred to as our crown jewels of the environment and the natural resources.

In doing that I am very concerned as it relates to the role that Mr. Frampton has personally played with park issues in the past. I say that because he will have a responsibility there, and I think it is important that he adhere to what he says he will do, or said he would do during the confirmation hearings, and that was that he would recuse himself from certain decisions that were to be made as it relates to Yosemite and other national parks.

Let me tell you why, and I quote the Sacramento Bee editorial of March 23:

"The Wilderness Society has a long record of vigorous, independent advocacy in relation to the National Park Service," and I am quoting this editorial.

But Frampton wanted a more direct role in managing one of the park system's crown jewels. Under his leadership the society played a major part in forming the Yosemite restoration trust which, in turn, spun off a profitmaking corporation subsidiary of its own to bid on the $1.5 billion Park Service contract to manage Yosemite hotels, restaurants, and concessions.

Legally, the society, the trust, and its subsidiary are all separate entities. But in Frampton's hands the distinction between them has blurred. Frampton, for example, served on the trust board of directors and represented it in negotiations to take over the concessions. But when the trust subsidiary did not get the contract, Frampton, this time wearing his Wilderness Society hat, was one of the first to decry the decision. Whereas other disappointed bidders have accepted the results and one even wrote praises to the Park Service for its thoroughness and fairness, Frampton's trust brought suit demanding that the results be thrown out and asking that it get the contract. Frampton and the rest of the trust even wanted the taxpayers to reimburse them for their costs just for filing a bid.

The judge in the case has already announced the trust cannot win and she is 95 percent certain that she will dismiss the case summarily.

I say to Members of the Senate that this is the man who is going to oversee the Park Service. And yet, especially in an arm's length dealing supposedly in a fair judicial way when he did not get his way, he filed suit and asked the taxpayers to pay for something that if he had been awarded it he would have benefited from in a private way.

This is the gentleman who we are going to ask to be fair and we are going to ask to be balanced. My guess is it is going to be very difficult for George Frampton to be that balanced person when he has so long been the advocate.

Another concern I have, and I will speak to it later, is that I think it will be extremely important for the Senate to consider, as it relates to who is going to be George Frampton's boss, the Secretary of the Interior, Bruce Babbitt, a long-time advocate himself. The Secretary of the Interior says he will no longer be an advocate but will be a fair and balanced manager. And I will be discussing some of the things that are going on in Interior that will clearly indicate that Bruce Babbitt continues to advocate as he was, and my guess is so will George Frampton.

I will now yield such time as the Senator from Alaska will need in his discussion of this nomination.

Mr. BAUCUS. Mr. President, I understand there is no time agreement; is that right?

The PRESIDING OFFICER. That is correct.

The Senator from Alaska [Mr. STEVENS] is recognized.

Mr. STEVENS. Mr. President, I thank the Chair and I thank my colleagues.

I am happy to have the opportunity to discuss this nomination. I had the opportunity recently to meet Mr. Frampton.

As Members of the Senate know, I served some time in the Department of the Interior under the Eisenhower administration, and was Solicitor of the Interior Department at that time, too. I have had a deep and abiding interest in this Department because of its impact on my State. There is no question that it is the Department of the Federal Government that has more to do with the future of Alaska than any other.

In my discussion with Mr. Frampton, I was impressed with his responses to me. We were very frank. I am, Mr. President, a frank man when it comes to discussing the problems of the Department of the Interior. Mr. Frampton promised me he would take a balanced approach to the issues before him if he is confirmed as Assistant Secretary of the Interior for Fish, Wildlife, and Parks.

I am a realist and I assume he will be confirmed, because if there is anything else I can do around here it is count. I thing it is important that those of us from public land States make certain that we go on the record and that we inform Mr. Frampton that we want to hold him to that promise.

Mr. Frampton comes to us from one of the extreme environmental causes of the United States. He has been the president of the Wilderness Society. Being a realist and recognizing that we lost the election, the right of the President to select whomever he chooses to be an assistant secretary is clear.

But let us suppose that we had won the election and I had gone to a Republican President and suggested that the President of a major oil company be made the Assistant Secretary for Fish, Wildlife and Parks, in charge of the wildlife refuges and the parks of this country.

I am sure that my friends on the other side of the aisle would say that I was being very extreme. I want the Senate to know that I think this President has been equally extreme. He has picked a person who represents the furthest out position in the environmental argument, the most extreme person that I know of. He has to change his position from being an extreme environmentalist to a balanced administrator, and that is going to require a great deal of strength and courage and integrity to do so.

The extremely volatile organizations with whom he has worked are going to try to come in that door of his, as would the colleagues of a president of a major oil company if he were in such a position. They are going to try to pursue their special interests, as would the colleagues of the corporate president. Mr. Frampton will have to consider, as I am sure the corporate oil company president would, the national interest—and not just the special interests of his former colleagues.

I want to tell the Senate, the Wilderness Society set out in its magazine, in the spring of 1984, 10 goals for Alaska. They want to take Alaska's national petroleum reserve and make it another wildlife refuge. They want to eliminate the transportation corridor through the Brooks Range, which contains the Alaska pipeline.

Let me repeat that. They want to eliminate that transportation corridor that contains the Alaska pipeline, a pipeline that today carries one-quarter of the domestically produced oil to markets only in the United States.

I think that Mr. Frampton has to consider not only what is best for the Wilderness Society, but he now has to consider what is best for this Nation.

My State is the resource base of the future of the United States. It probably has more undiscovered, unproduced oil than all the rest of the country put together. We have mines and mineral potential that is really hard to put into a record.

If you look at a map, you will see in Siberia and Eastern Russia a series of

mines. If you look at Canada, you see an equal amount of mines or greater. And in our State, you only see about 4 operating.

And yet we know from the studies in the U.S. Geological Survey, we have this great, vast, untapped potential for mineral production.

I hope Mr. Frampton has the strength, the courage, and the integrity to resist the special interests that he has previously associated with and will fulfill his promise to be a balanced member of the Department of the Interior's team.

Alaska now has over 75 percent of the land that will be under his jurisdiction. Mind you, he is a national officer, but 75 percent of the domain that he will be given jurisdiction over as Assistant Secretary for Fish, Wildlife and Parks is in one State—my State.

Alaska has 55 million acres of national parks. That is 70 percent of the entire national park system.

We have 75 million acres of national wildlife refuges. That is 85 percent of the national wildlife refuge system.

We have 58 million acres of wilderness lands in Alaska. That is 91 percent of all the wilderness in parks and 97 percent of all the wilderness in refuges.

While Mr. Frampton was president of the Wilderness Society, he supported increasing wilderness in Alaska by 100 million acres. Let me repeat that. We already have 68 percent of the Nation's wilderness. He wants to increase by 100 million acres the wilderness in our State.

Now, it does not take a rocket scientist to figure out he has to withdraw more land. Ninety-seven percent of the wilderness in wildlife refuges is already in Alaska, 100 million acres of wilderness is the size of Rhode Island, Connecticut, Delaware, Hawaii, Vermont, New Jersey, New Hampshire, Massachusetts, Maryland, West Virginia, Maine, and Pennsylvania combined. The wilderness in Alaska is already greater than all of New England.

In order to achieve the goal that he announced as president of the Wilderness Society, Mr. Frampton would have to make every acre of Alaska's refuge and park system land wilderness, designate all the national forest lands wilderness, and then take a sizable portion of the land that is open to the public—the Bureau of Land Management lands—and make it wilderness.

I have to tell you, Mr. President, since we already have 58 million acres of wilderness and 68 percent of all of the wilderness in the United States, I think he is going to have to review that.

I have here a chart that shows the percentage of the wilderness of each State. Look at the number of States. Look at the number of States that make no contribution at all.

Why should there be a national wilderness system if we have it all in one State? Do you know why, Mr. President? It is easy. We are a small State in population. We have a small congressional delegation. We represent a State that is offshore.

Every year the Wilderness Society says we have a new goal—a new goal: We are going to get x million acres of new wilderness. Guess where? Every year, it is Alaska. Every year, we lock up more of the resource potential for future Americans.

I think this chart is appalling enough, but look at this one, Mr. President. Look at this one. We had to put it on two charts to show you what it really means.

That is the State percentage of total wilderness designation. We have over 60 percent. The rest of the Nation has 40 percent, divided in 49 States.

Now, why—why—should the Wilderness Society president manage fish, wildlife, and parks? Well, the simple answer is we lost the election.

When it comes to wilderness, the question is: What is this man going to do to wilderness in Alaska? Since Alaska already has two-thirds of the wilderness in the country, a real balanced advocate would say: "Why can't we get wilderness somewhere else?" This advocate says: "No; I want 100 million acres more in Alaska."

When Mr. Frampton was president of the Wilderness Society, he was critical of the implementation of what is called the Alaska National Interest Lands Conservation Act. We call that ANILCA, or the Lands Act of 1980.

He called the implementation of that act a "great disappointment" on its 10th anniversary.

The difficulty is that, as a lawyer, he should know the act was implemented as the person who framed it wanted it to be implemented, the great Senator from Washington, a Democrat, the late Scoop Jackson. He drafted that legislation in a conference that lasted many, many months.

The Wilderness Society was upset that the coastal plain of the Arctic National Wildlife Refuge was open for oil and gas development, just awaiting approval by Congress of the environmental studies that were made pursuant to Senator Jackson's amendment that is contained in that 1980 act. The act specifically, under the Jackson amendment, left that plain open for oil and gas exploration because it is known to be the area of the largest potential deposit of oil on the North American continent. Now the Wilderness Society wants to close it; does not want to ever look; wants to totally eliminate Senator Jackson's amendment from the 1980 act.

In addition, they criticized the 1980 act because motorized vehicles were used in some park and wildlife refuge areas.

Guess why, Mr. President? They were used there before Congress set those areas aside as parks and wildlife refuges, and the act specifically allowed the use of "snowmachines, motorboats * * * airplanes * * * for traditional activities and for travel to and from villages and homesites" into the private lands that are contained within those areas.

Now, the Wilderness Society ought to respect the law. But Mr. Frampton declared that he wanted that stopped, the use of motorized vehicles in those park and wildlife refuges.

We are dealing with a land mass that is enormous. Look at this. That is an overlay of my State on the map of what we call the south 48. It reaches from the east coast to the west coast. It reaches from up by Duluth all the way down into an area almost to the southern border of the south 48. And this overlay shows the parks, refuges, forests, and wildlife areas that the Federal Government has set aside.

If you look at that, all of those areas we restricted by Federal law in terms of access for Alaskans and other Americans to the lands of our State, a State three times the size of Texas—over 375 million acres. By our Statehood Act we were given the right to utilize 103.58 million acres of this State, and our natives were awarded 45 million acres in settlement of their claims against the Federal Government. We have the right to use about 150 million acres of land.

But look, we are shut off from the coastline. We are shut off from the North Slope. We have the mountain ranges, we have some of the interior lands. But as a practical matter, the Federal Government reneged on its promises to Alaskans when we became a State.

Before we were able to select our lands, they set aside over 100 million acres. Now Mr. Frampton wants to say it is not enough to set them aside, they should be set into a wilderness system where they are completely unusable, except for the very rich elite, the people who can afford a twin-engine plane, to send servants in ahead of them to set up camps—as former Secretary Udall did, by the way, up in the Gates of the Arctic.

Sure, if you have Government money or private money, people of great wealth, they can use all that wilderness area. But what about the people who live there? I can tell you story after story about the Wilderness Society and what they have done to people of my State. The thing to remember is that the Congress of the United States, in 1980, protected our rights to use some of those lands for access to them, and Mr. Frampton must respect the provisions of the 1980 act when he becomes Assistant Secretary of the Interior.

In addition to that, in 1980, I put into that 1980 act what we called the forever clause. It says that the Congress forbids anyone in the Federal Government—from the President on down—

from administratively withdrawing any more lands in Alaska without the approval of Congress. The forever clause is only going to mean something if those who administer the laws understand them and respect them. I think we believed in 1980 we had reached a final resolution and a compact with the Federal Government over what lands the Federal Government was taking, what our rights would be in those lands, and what lands were left for us, the State and the Native people of Alaska to take to settle whatever claims we had in the past.

The Wilderness Society does not like the idea that Alaskans are able to visit and use these lands within the borders of our State. It is concerned that Alaskans insist on having a voice in the management of these Federal lands. They criticize me constantly for what I say about the future of Alaska, and what these Federal lands should be used for. They recently came out against the creation of a new EPA region in Alaska. Think about that. We have over half the Federal lands of the United States, we are one-fifth the size of all the United States. They put our regional office down in Seattle. Why? They do not want anyone to learn about Alaska. They just want them to come and visit and be revenuers from the south who put some of our people in jail for violating standards that have nothing to do with Alaska's lifestyle.

Why do they oppose the creation of this region? They are afraid we will take these people from EPA to specific sites.

Let me say, parenthetically, I just had breakfast with Ms. Browner, who is the head of the EPA, and if there is one appointment I congratulate the President for, it is hers. She understands and has a very open mind. She is willing to listen. I am not sure we will convince her but at least she is willing to listen and does not come into an office with the baggage of having represented the very extreme position of the environmentalist portion of our society.

I do not criticize those people who want to be extreme environmentalists. I just say they ought not to be in charge of an area that requires balance, unless they are willing to keep the promise Mr. Frampton made to me; that is, he would have a balanced approach to issues involving public lands, particularly in my State.

The Wilderness Society is afraid we will take these people and show them specific sites, make them understand that the site they are looking at is not the same as one 100 miles away or one 1,000 miles the other way. Think of that. When we go out to Dutch Harbor, that is 1,000 miles away from Anchorage. They have to come up from Seattle in order to get out there, and when they go out there, they only stay long enough until the plane goes back. In 2 hours they make their judgment and go back to Seattle. We want them to be people who get to know the area of our State. We want to have them understand the position of our people. The question is, Why should we not have the right?

The distinguished occupant of the chair is from Colorado. My friend from Montana is here. You can go and talk to the EPA people daily, go into their offices, invite them over to some other county. We see them annually. We have one-fifth of the lands of the United States. You wonder why we object so much? Alaskans ought to have the same right as every other American to petition the people who represent our Government to be reasonable, and to understand the situation they have been asked to review and decide on.

The Wilderness Society has a colonial mentality. They think we are still a colony. They do not think we should have any rights as Americans. The extreme environmentalists want to treat Alaska as a total withdrawal, really. In order to accomplish Mr. Frampton's goals as the president of the Wilderness Society, we would have to withdraw the whole blasted State.

Mr. Frampton, in his role as Assistant Secretary of Fish and Wildlife, has to recognize that my State is a State. We are here in Congress to represent the people of a State. We must be treated as a State. We are not to be treated as a colony.

Having said that, I said I am a very frank man. When Mr. Frampton was in my office I told him I was going to vote against him. Do you know why? I think he represents that extreme. And if he carries on as Assistant Secretary for Fish and Wildlife as he did as the president of the Wilderness Society, he is going to elect more Republican Senators from the West than any man in history. I told him that to his face and I tell it to him again right here. If this man does what he said he wanted to do as president of the Wilderness Society when he is Assistant Secretary of Fish and Wildlife, I am going to be on his back every single day I am a Senator.

I cannot believe that a President would select such an extremist unless he had the same promise I got, and that is the promise that as a lawyer Mr. Frampton would be fair, he would be balanced, he would dissociate himself from the goals of his former organization and he would be someone that we could rely on to faithfully observe the laws passed by Congress and approved by the President.

That is not as tough as I would like to be but there are rules that apply to a Senator speaking on the floor of the Senate. I am one who spent a long, long time on that 1980 act. I voted against it because I thought it was unfair to my State. My good friend, Senator Jackson told me it was the best we would ever do and he was right. He was fair to us. We were not completely denied our goals. We did not achieve them all. But I do not want someone from downtown, in the Department of the Interior, emasculating the agreement that was made by the Congress at the urging of Scoop Jackson, Senator Jackson of Washington, with regard to the public lands in my State.

I hope Mr. Frampton is listening, or at least will read what we are saying. And I hope my colleagues will join me in insisting that this new administration observe the laws that have been passed by Congress and that we carry out and really meet the goals that were established by my good friend from Washington with regard to the use of lands in my State.

(At the request of Mr. STEVENS, the following statement was ordered to be printed in the RECORD at this point:)

• Mr. MURKOWSKI. Mr. President, I rise today to speak in opposition of the confirmation of George Frampton, Jr., for Department of the Interior Assistant Secretary for Fish, Wildlife, and Parks.

Mr. Frampton has been nominated by the President of the United States for the position of the Department of the Interior Assistant Secretary for Fish, Wildlife, and Parks. If confirmed, he will have management authority over all national parks and wildlife refuges and will be a major policymaker on all endangered species issues.

The Assistant Secretary for Fish, Wildlife, and Parks has a huge impact on Alaska. Allow me to explain.

Alaska has 51 million acres of national park lands. That is 70 percent of all national park lands nationwide and 15 percent of the lands in my State.

Alaska has 76 million acres of U.S. Fish and Wildlife Service lands. That is 85 percent of all Fish and Wildlife Service lands nationwide and 21 percent of the lands in my State.

The total of the two agencies' lands in Alaska is 127 million acres. That is a combined area larger than any other State in the Nation except Texas. It is also over one-third of the land of Alaska.

When all Federal land management agencies are added up, 70 percent of Alaska is owned by the Federal Government and managed by the Federal Government in Washington, DC.

If the land owned by the State of Alaska and Native corporations is included, the result is that less than 2 percent of the land in Alaska is privately held by individuals.

It is clear that for Alaska to survive, to take advantage of its abundant natural resources, it must have access to the Federal lands. To lock up the Federal domain in Alaska is to destroy the economic base of Alaska and to condemn the people of my State to a future of economic dependency rather than self-sufficiency.

Continued access and use of our resources in the hope of economic self-

sufficiency was the promise of statehood.

If confirmed, nearly every decision Mr. Frampton will make regarding Alaska's parks and wildlife refuges will affect the lives and livelihoods of hardworking people of Alaska.

He will make decisions on development of inholdings, access to our national parks, subsistence, and resource use on Federal lands under the jurisdiction of the National Park Service and the U.S. Fish and Wildlife Service.

Alaska became a state just 34 years ago in 1959. We were assured through statehood the opportunity to fulfill our economic destiny, to use our resources as an economic base with which to carve a home in the remote Alaska frontier. We have only begun.

Alaska is in a position to wisely develop its natural resources. We have better development technology today and we have the advantage of being able to learn from past mistakes.

We are hopeful about the opportunities to fulfill our economic destiny, to wisely and safely develop our mines, harvest our forests, and produce our oil. To provide energy to the Nation, wood for homes, coal for power, and minerals for industry throughout America.

We are also hopeful about the opportunities for others to come to Alaska to enjoy and simply experience our magnificent scenery. We depend on the dollars brought here by 700,000 visitors to Alaska each year. We take our commitment to tourism seriously and would not jeopardize their experience.

Resource use and recreation can be balanced on Alaska's public lands. But there must be balance. To lock up Alaska in more wilderness and stop resource development would destroy our economic future.

Mr. Frampton's nomination was jointly referred to the Senate Energy and Environment Committees.

At his confirmation hearing in the Energy Committee, I was not satisfied with his answers on Alaska issues, nor with his written responses after the hearing.

He has in the past, vigorously opposed responsible development of the oil and gas resources of the coastal plain of the Arctic National Wildlife Refuge, despite the reliance of my State on exploration and development of petroleum and the decline in production of the Prudhoe Bay oil field.

He has shown no willingness to increase access to the national parks and refuges. I am not satisfied that he will work to protect the private property rights of inholders within parks and refuges.

Alaska has 170 million acres of wetlands. That is nearly twice the amount of wetlands in the rest of the United States. Nearly every development project in Alaska requires a wetland permit. But the permit process doesn't work in Alaska—communities cannot grow, schools cannot be built, and roads cannot be constructed. Alaska is working with the administration for a reasonable solution to wetlands permitting and to relax mitigation requirements for wetlands development in States like Alaska that have an abundance of wetlands and have developed less than one percent of their original wetlands. But Mr. Frampton has called for a rejection of the so-called Alaska rule.

There are 57 million acres of wilderness already designated in Alaska. That is larger than the State of Idaho and is 60 percent of all the wilderness designated in the United States. Alaska doesn't need any more wilderness or restrictive land use designations. But Mr. Frampton does not agree. He would support additional wilderness designations in Alaska.

He has attacked the timber and mining industries, and would favor a federal royalty on hardrock mining that could be as high as 12.5 percent and could put the U.S. mining industry out of business.

He is not balanced in his views on resource development. He simply does not represent the hard working people of my State whose economic future depends on the environmentally sound development of natural resources.

These are all substantive reasons for my opposition of Mr. Frampton's confirmation. There is one additional issue I would like to raise about Mr. Frampton's confirmation. This is an issue of judgment.

When Mr. Frampton was employed at the Department as a consultant, prior to confirmation, he wrote at least two memos directing Department of Interior employees to accomplish specific tasks and assigned deadlines for completion.

Mr. Frampton appeared to be acting as Assistant Secretary before his confirmation by the whole Senate. The Energy Committee was sufficiently troubled by his actions that Chairman BENNETT JOHNSTON and ranking member MALCOLM WALLOP conducted an investigation of the ethical and legal implications of his actions.

After reviewing the results of the committee investigation, it is my opinion that these actions were clearly contrary to his role as an advisory consultant and are in conflict with the constitutional appointment powers of the President and the role of the Congress to advise and consent. His actions, prior to confirmation by the Senate, indicate a cavalier disregard for the Senate Energy Committee, the entire Senate confirmation process, and the Constitution of the United States.

Mr. President, I have examined Mr. Frampton's past statements as President of the Wilderness Society. As a member of the Senate Energy Committee, I have considered his nomination and explored his positions on a number of resource issues affecting Alaska and the Nation. And I have considered the results of the Senate Energy Committee investigation into his actions while a nominee for Assistant Secretary at the Department of the Interior.

I believe that Mr. Frampton remains an advocate of policies that are inconsistent with responsible development of the Western United States and specifically Alaska. I have had no indication from Mr. Frampton that he will work with the people of Alaska to develop the resources of our State and fulfill our economic destiny. I remain concerned about his judgment.

Mr. President, I will vote against the confirmation of George Frampton, Jr., as Department of the Interior Assistant Secretary for Fish, Wildlife, and Parks.●

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, I rise in support of the nomination of George Frampton to be Assistant Secretary for Fish and Wildlife and Parks. As chairman of the Energy and Natural Resources Committee, we bear cojurisdiction with the Environment and Public Works Committee of this nomination, and we reported this nomination, and we reported this nomination out by a vote of 13 to 5.

Mr. President, the hearing on a nominee serves at least four different functions: First, you determine whether or not a nominee is qualified. Does he have the skill, the intelligence, the experience, the background, and the knowledge of the field to which he is appointed?

In this case, George Frampton clearly has the qualifications for the job of Assistant Secretary for Fish and Wildlife and Parks. He is highly intelligent, a distinguished lawyer. He has an outstanding education. He has been chairman of the Wilderness Society for 7 years, studied deeply, and written in this field. So in terms of qualifications, he clearly has what it takes to be Assistant Secretary.

Second, we look at disqualifications. Has he done anything of such nature as to disqualify him? There was some thought initially that he had performed duties as a contract employee that would disqualify him. We very carefully looked into that. We got opinions from lawyers and ethical opinions. It was very clear that what he did as a contract employee did not violate any of the standards, and I believe that all, or certainly the vast majority, of those on the committee were satisfied as to that.

The real inquiry here, which is the third function we perform in hearings of this sort, is to determine philosophy, particularly in this question where westerners are so sensitive about the

public lands and where the Assistant Secretary for Fish and Wildlife and Parks has such an important role to play on endangered species, on parks, on wilderness areas—all of those areas. It is a very, very important function. So all of our members, and particularly our Western members, were highly interested in what Mr. Frampton was going to say, what his philosophy was.

For my part, I was satisfied that Mr. Frampton will not only be acceptable; he will be very good. We have to understand that his role as president of the Wilderness Society is a separate role completely from being Assistant Secretary of the U.S. Department of the Interior for Fish and Wildlife and Parks.

It reminds me of that old story about the lawyer who argued a case in the morning before the judge and argued one side of a point of law very strongly. He came in that afternoon. He had a different client, and he argued exactly the opposite point of law. And the judge asked, "How can you do that, Mr. Lawyer, arguing different sides of the same point of law?" And the lawyer said, "Well, judge, this morning I thought I was right, and this afternoon, I know I'm right."

It simply illustrates the fact that Mr. Frampton's role as president of the Wilderness Society was representing a very important, very distinguished environmental group, to be sure, but nevertheless representing one side of an equation, one side, if you will, of a lawsuit, one side of a contending group, contending for the attention of Americans. His role as Assistant Secretary is much like that of a judge, who must be evenhanded, who must take the experience he has received, the education, the knowledge he has gained in all these years and apply that in a judicious way, keeping in mind his mandate from the President of the United States and what the President of the United States has said, keeping in mind what he has said during his confirmation proceeding, keeping in mind what he said to distinguished Senators, like the present occupant of the chair, who I know had long discussions with him about his sensitivity about issues in the West, and the distinguished Senator from Alaska, who just spoke.

All of that is brought in as part of his experience and part of the background on which he will make his judicious decisions as head of the Department of Fish and Wildlife and Parks.

So, Mr. President, I, for one, am very much convinced that he will not only be an acceptable Assistant Secretary; I think he will be a great Assistant Secretary. We have already found that with the Secretary of the Interior himself, Bruce Babbitt, who came from a similar background. He had been head of the League of Conservation Voters, indeed, which is also a very, very distinguished environmental group, but one side of a contending set of issues in our country. I think we have already seen that Secretary Babbitt is getting very high marks from me, from westerners, as well as from environmentalists.

I think it helps to have been involved in the fights about development versus environmentalism, because by having been involved in these fights, then you understand the issues full well and you understand both sides of the issues, even though you have been fighting for one side or the other, as Mr. Frampton has been and, indeed, Mr. Babbitt did, both so eloquently and so skillfully in their previous incarnations.

The fourth purpose we achieve in these hearings is to sensitize the nominee to some of the issues he will have to face, to sensitize him or her to the concerns of not only members of the committee, but the larger Congress and the larger Senate.

Believe me, Mr. President, Mr. Frampton has been fully sensitized to these issues. You have heard the distinguished Senator from Alaska, who had long and hard discussions with Mr. Frampton, and as the Senator from Alaska said, he got commitments from him and he will seek to hold Mr. Frampton's feet to the fire. That is part of the process; that is part of the useful process in having hearings on these nominees.

Suffice it to say, Mr. President, that our committee—which is heavily influenced, if not dominated, by Westerners and all of the public lands concerns which they have—after all of those hearings, after this process of determining qualifications and disqualifications and philosophy, and after the process of sensitizing, our committee voted overwhelmingly, 13 to 5, for Mr. Frampton.

I think he is going to be an outstanding Assistant Secretary. I will be highly disappointed if he is not, but I expect that he will be, as I say, not only acceptable, but very, very good.

I commend him to my colleagues.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I rise in support of George Frampton's nomination to be Assistant Secretary of Fish and Wildlife and Parks in the Interior Department. Mr. Frampton has been chosen to oversee both the Fish and Wildlife Service and the Park Service. I must say, I speak personally as an enthusiastic user, with my family, of the national parks and the wildlife refuges. I am delighted that Mr. Frampton has been selected for this post.

As Assistant Secretary, he will play a major role in the implementation and reauthorization of both the Endangered Species Act and the Clean Water Act's wetlands protection provisions.

He will also be responsible, Mr. President, for making decisions on the acquisition and the management of lands within the National Wildlife Refuge System and the National Park System. These decisions will have a major impact on whether and how critical natural resources are conserved for future generations.

Mr. President, the committee on which I sit, the Environment and Public Works Committee, as perhaps our chairman has already pointed out, has joint jurisdiction with the Energy Committee over this appointment. Our committee reported out Mr. Frampton's nomination favorably and unanimously, all Republicans and all Democrats voting for him. I joined, as I say, enthusiastically in this vote. I believe it to be an excellent appointment.

I must say, Mr. President, I have a little difficulty following some of the discussion here where it involves wilderness areas. I have heard that term come up several times. Mr. Frampton will have nothing to do with wilderness areas except those wilderness areas that are actually within a national park or national wildlife refuge. These areas do not comprise the great bulk of wilderness areas. They are just not under his jurisdiction.

In my view, Mr. Frampton's record demonstrates that he has the experience and the commitment to meet the challenges of the post to which he is being appointed to. He is the former president of the Wilderness Society and a prominent environmentalist. He has a broad range of experience beyond the environmental area, and I think we ought to recognize that. Before joining the Wilderness Society, he worked as a law clerk for a Supreme Court Justice. He was an assistant special prosecutor for the Watergate special prosecution force, and he was a partner of a prominent Washington, DC, law firm for some 9 years.

Mr. President, Secretary Babbitt, I believe, is off to an excellent start in his attempts to find innovative ways to assist private landowners and communities in complying with the Endangered Species Act while avoiding the so-called train wrecks which he has pointed out. So I look forward to working with Mr. Frampton as he continues this approach, and I urge my colleagues to support his confirmation.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, one of the roles that George Frampton will play in his new position is overseer of our National Park System. I had mentioned in earlier comments my concern about the relationship he had held as president of the Wilderness Society and on the board of directors of an adjunct of that group that had made bid to operate the concessions in Yosemite. I think it should be of concern. Whether it is of issue here, obviously, the record

ought to bear that this man may have found himself in a conflict that really speaks to the integrity of the individual.

I say that because, as he supported an organization that made bid to be the manager and operator of the concessions that deal with hotels and restaurants and visitor facilities inside Yosemite National Park, he also said a very interesting thing in the Washington Post in May of 1988. If you visit a national park and like to stay at a hotel or a motel inside the park itself, George Frampton thinks that you should be backpacking there instead. In 1988 he said, "Motels and hotels and that kind of thing should go outside the national parks."

Now, that was 1988. In 1992 and 1991, he was doing just the opposite. Because he or his organizations might stand to gain financially, he was making bid to operate a multimillion-dollar facility inside Yosemite National Park.

I ask unanimous consent to have printed in the RECORD an editorial from the Sacramento Bee entitled "Tangle Over Yosemite," which speaks of that very conflict in which Mr. Frampton found himself.

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

[From the Sacramento Bee, Mar. 18, 1993]

TANGLE OVER YOSEMITE

President Clinton has nominated George Frampton as Assistant Secretary of the Interior to oversee parks, fish and wildlife. As the former head of the Wilderness Society, Frampton might be a good choice—but first he has to get clear of the tangle he's created over Yosemite National Park.

The Wilderness Society has a long record of vigorous, independent advocacy in relation to the National Park Service. But Frampton wanted a more direct role in managing one of the park system's crown jewels. Under his leadership, the society played a major part in forming the Yosemite Restoration Trust, which in turn spun off a profit-making corporation subsidiary of its own to bid on the $1.5 billion Park Service Contract to manage Yosemite's hotels, restaurants and other concessions.

Legally, the society, the trust and its subsidiary are all separate entities. But in Frampton's hands, the distinctions between them have blurred. Frampton, for example, served on the trust's board of directors and represented it in negotiations to take over the concessions. But when the trust's subsidiary didn't get the contract, Frampton, this time wearing his Wilderness Society hat, was one of the first to decry the decision.

Whereas other disappointed bidders have accepted the results, and one even wrote praising the Park Service for its thoroughness and fairness, Frampton's trust brought suit, demanding that the results be thrown out and asking that it get the contract. Frampton and the rest of the trust even wanted the taxpayers to reimburse them for their costs just for filing a bid.

The judge in the case has already announced that the trust can't win, and she is "97 percent certain" that she'll dismiss the case summarily. Don Green, the trust's executive director, agrees that the suit is dead. Instead, he's now lobbying Congress to get from the political system what the courts under law will not grant—the Yosemite contract.

Frampton clearly has a conflict of interest. He's already quit the trust and officials at Interior say he has promised not to participate in any decisions involving the trust, the Yosemite contract or the Wilderness Society. But they aren't sure how much that pledge covers or what it might do to his effectiveness as assistant secretary. Will he, for example, be excluded from having anything to do with Yosemite or with that apply as well to everything else in which the Wilderness Society is involved?

There may be no need for Frampton to withdraw from the nomination. But he's got a lot of questions to answer when he comes up for confirmation. By tangling the lines that legitimately separate the Park Service, its contractors and an advocacy group such as the Wilderness Society, Frampton's poor judgment appears to have created the kind of confusion that threatens to undermine the integrity of them all. That confusion has to be cleared up before he can serve credibly and effectively.

Mr. CRAIG. I expressed earlier my concern as it relates to the role of an advocate versus the role of a fair and balanced decisionmaker, and I think we all recognize the difference between the two and the importance of both. It is not that I criticize; it is that I express concern. Can a person in the blink of an eye or in the time of one month to the other pull one hat off and put the other hat on? As my colleague from Louisiana jokingly spoke of the attorney who argued both sides of an issue in one day, was he fair and was he balanced? Well, I guess time will only tell in this instance if Mr. Frampton can operate in that form.

But in Idaho, in Oregon, In Washington, and on the western slopes of Montana, in the course of the next year and half or two, some very, very critical decisions are going to be made as they relate to a species of salmon that is either endangered or listed as threatened, and what I am talking about is, of course, the salmon of the Snake and the Columbia systems, two major rivers in the Pacific Northwest, of which most of the lands of Idaho and part of Oregon and Washington and parts of Montana are the habitat and the drainage areas.

The national marine fisheries will be putting together a mitigation plan to save this very important species of fish. The U.S. Fish and Wildlife Service will play a major role in determining the implementation and the effectiveness of that plan, and all of these agencies will have to work together to solve this problem. But it just so happens that every acre of public land on which trees are grown and minerals are found and cattle and sheep graze and people recreate in my State comes under this jurisdiction. Depending on how this mitigation plan comes out, depending on how George Frampton will participate and decide—and we already know how he once participated as an advocate on the spotted owl and put 30,000-plus people out of work—literally hundreds of thousands of people could—and I repeat could—lose their jobs.

We are talking about hydro facilities in the Snake and Columbia system. We are talking about major barge and transportation facilities on which millions and millions of bushels of grain from the State of Montana flow out to the Pacific rim, and from Idaho and Oregon and Washington; irrigation systems throughout the entire area—all of those things wrapped up in decisions that are going to be made in the course of the next several years on which will largely depend the long-term future of a State like Idaho, parts of Montana, Oregon, and Washington.

Mr. Frampton is going to be right there in the forefront making some of those decisions.

Now, why is this Senator from Idaho concerned? Why am I standing in opposition to this nomination today? Because of the future? No. But because of the record of the past. I do not believe that Mr. Frampton can take one hat off as an advocate and put another hat on as a fair and balanced manager and make the kinds of decisions that will keep Idaho's farmers farming, Idaho's recreational people recreating, Idaho's loggers logging, Idaho's miners mining, all of Idaho's streams clear and beautiful, and all of those kinds of balanced approaches that we in Idaho have been able to achieve over the years in direct public policy legislation crafted by the Senate and the House.

Those are important decisions to be made and decisions that will have long-term impact upon my State.

How do we handle it? Well, we know that this administration is going to work at handling it, but Mr. Frampton will be one of three very important people in the Department of the Interior who will be part of formulating policy, part of rules and regulations, making decisions on what the regulations may be, how they are to be implemented. All of those become very key public policy issues.

Let me talk of an area of concern because I know many are convinced that you can in fact take one hat off and put another hat on and become two different people all in a moment of a time and a change of title. I find that difficult to do, and I think it is nearly impossible to do.

When Secretary of the Interior Bruce Babbitt was before us and I asked him that question, "Can you as a former president of the League of Conservation Voters become Secretary of the Interior and change your hat?" he assured me he could.

Yet I find out now that there are memos afloat in the Department of the Interior asking that the BLM come up with the worst example of mining so that those can be used as advocacy

points in arguing changes in the 1872 mining law from the Secretary's point of view; that there is an effort now to go out and find the worst-case example of grazing or the impact of grazing on public lands so that those can be used as examples to show how bad grazing of livestock on public lands are.

That is not balanced. That is advocacy of a position. That is advocacy of an approach or an idea. That is not the kind of balance that Secretary Babbitt assured us he would aspire to.

Now we are being assured today by my colleagues that Mr. Frampton can gain that balance. If he could gain the balance, my guess, I would have to reasonably argue that his boss, the Secretary of the Interior, would argue that maybe he should not, that maybe he really ought to continue to go out and find and secure those thoughts or those examples so that he could remain the advocacy of a given position.

I am extremely disturbed by that. I recognize the kind of impact that could have long-term on all of our public-land States.

Idaho, and the West are known for their beauty. They are known for their uniqueness. Some 64 percent of my State is public lands. Therefore, 64 percent of my future is largely determined by the policy crafted by the U.S. Senate and implemented by the Department of the Interior, the U.S. Fish and Wildlife Service, parks, or USDA through the Forest Service, and by those who are responsible for administering those policies.

That is the George Frampton we talk about today. That is going to be his role. That is his job. That is what he aspires to. That is why I am disturbed because of a past record, because of very inflammatory statements about the strong advocacy role he has played, and, of course, what he might do as the direct Assistant Secretary of this most important position for fish, and wildlife, and parks.

Mr. President, I have no further request for time on my side. I will retain the remainder of my time and yield to my colleague.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, a couple of points. First, I am happy to hear that no more Senators on the other side of the aisle wish to speak on this nomination. I am unaware of any others on our side who wish to speak. It is my hope, therefore, that we could very quickly move to a vote on the nominee.

I urge Senators who wish to speak on the nominee to quickly come to the floor because I think we will have a vote very shortly.

Mr. President, I think that it is interesting to hear about memos floating in the Department of the Interior trying to find the worst case of mining abuse or the worst case of grazing abuse, when it is also important to remember that Mr. Frampton is nominated to be Assistant Secretary for Fish and Wildlife and Parks, not for Lands and Management. The various memos afloat with respect to mining abuses or any memo afloat with respect to grazing abuses has nothing to do with the jurisdiction of the Assistant Secretaryship for which Mr. Frampton has been nominated.

Mr. Frampton has been nominated Assistant Secretary for Park Service and also Wildlife Service, and it is true that there are some questions with respect to the Endangered Species Act that have to be dealt with by Mr. Frampton if he is Assistant Secretary. But mining issues are not in the jurisdiction of Mr. Frampton, nor are the grazing fees an issue.

Mr. CRAIG. Mr. President, will my friend yield for a moment?

Mr. BAUCUS. Yes.

Mr. CRAIG. Mr. President, my colleague from Montana is absolutely correct. The point I was making is that we had the pledge of the current Secretary, Bruce Babbitt, that he would no longer be an advocate, he would be a judicious manager. My point is that it appears there is an effort to build information to continue to play an advocacy role.

The point of my discussion today about George Frampton was the very effective role he has played for the last good number of years as an advocate of a position. I do not criticize him for that. I happen to disagree with him. But he was very good at what he did. The point of discussion here is, will he continue to be an advocate or can he take that hat off and put the other hat on?

It was not my intent to suggest that he is behind these memos that I am told are about at this moment. My point was to suggest that that is an approach and style that is currently underway in the Department of the Interior that Mr. Frampton will become a part of as one of the top three management people in that department when he is so confirmed by the Senate.

That was the point.

Mr. BAUCUS. Mr. President, I appreciate the point of my good friend from Idaho.

Mr. President, a couple of other quick points. The real question is what is the role of the Senator under the advise and consent responsibilities under the Constitution? Every Senator asks that question and every Senator tends to answer that question a little bit differently. But I personally believe that the general answer to that question is that it depends upon the office that is in question.

Generally it depends upon whether the nominee has been nominated for an executive branch position or whether the nominee is to be nominated for an article III, that is judicial branch, position.

We must remember that William Jefferson Clinton was elected President of the United States, but not George Herbert Walker Bush. President Clinton was elected President, not President Bush. And, as President of the United States, I think most Americans believe that generally he should be given the right to nominate his people for his team. After all, he was elected President. He ran on certain issues, and he won in my State of Montana. He got more votes than did the other candidates. I know he got more votes in the State of Colorado.

The present occupant of the Chair represents the State of Colorado. I think not only do the people in the State of Colorado and the people of Montana, but the people across the Nation generally believe that when a President is elected that by and large he should be afforded the opportunity to put his team together, to nominate his people.

Next, I raise the question, What is the role of the Senate in the confirmation process? I generally believe that with respect to executive branch nominees that we Senators have really three questions that we have to ask ourselves. The first is, Does the nominee possess the requisite competence to do the job? Is he or she competent?

I think it is clear from Mr. Frampton's background that he is competent. There is no doubt about his competence. He knows these issues. He is deeply involved with them.

In fact, as the Senator from Louisiana pointed out, in many respects it is better to have somebody who has been deeply involved in this area than to nominate somebody who does not know anything about the area, because then that person cannot be charged with the one side of the issue as opposed to the other side of the issue. It is clear that George Frampton is competent.

The next question we have to ask ourselves I believe is: Does he possess the requisite integrity? Does the man possess the integrity to do the job?

There are some mild questions here. The Senator from Idaho raised one about potential conflict of interest. But I think it is very clear, based upon the hearings and the record and the various committees, that there is no question with respect to conflict of interest or integrity in any way that rises to the level of a serious question as to whether or not he should be nominated. That is not an issue here.

So if he possesses the competence, if he is competent to do the job, if he possesses the requisite integrity, to me that means we should ask ourselves the third question. The third question for this Senator is, Are his beliefs generally in the mainstream of American thinking, or are they just so outrageous, so off the wall, even though he or she is competent, even though he or she is honest, that the person should not be confirmed by the U.S. Senate?

I believe, and I think most Americans believe, that even though he has been an advocate in the past as president of the Wilderness Society, that he is in the mainstream. He is not advocating the whole United States be a wilderness. He is not advocating that every species on the face of this Earth be listed as a species whether or not it is endangered. Those are the extreme positions. He is not advocating extreme positions. He has been an advocate rather—at least as President of the Wilderness Society—of issues that generally involve protecting the environment of the United States.

I think that we have to give the President much more his due on executive appointments than we do on judicial appointments. On judicial appointments I think the U.S. Senate not only has the right, but it has the obligation and the duty to scrutinize nominees much more closely because after all the President has then appointed somebody to the third branch of Government; not somebody to be on his team, but somebody who is going to be on another team.

The judicial branch is the branch that is going to be interpreting the laws that the Congress passes, or passing upon actions that the executive branch might take. When we examine a judicial nominee, particularly a Supreme Court nominee, then I think this body has a much greater obligation to scrutinize that nominee much, much more closely than the assistant secretary for an executive position. I think Mr. Frampton generally passes—not only generally, very definitely passes the three tests very easily. After all, it was Mr. Clinton who was elected President, not George Bush or Ross Perot or somebody else.

Therefore, I think we have a large obligation to give the President, generally, his due, because I think it is clear that if we reject Mr. Frampton, the President will probably name somebody else from a similar background. He has that right. He has the right to do so. In fact, I would expect him to do so, and most Americans would probably expect him to do so, which is evidence why the U.S. Senate should focus much more on competence and integrity and a little bit less on executive branch nominees and the beliefs of that person in a prior role or position.

The real question here is whether George Frampton has the balance—we do not know if he is going to have the balance—whether he will look at the issues fairly and evenhandedly. He says he will be balanced, and evenhanded, and fair. But as sure as I am standing here, I am quite certain that there will be a good number of Senators, including this one, who will be watching him very, very closely. If Mr. Frampton turns out to be not balanced, evenhanded, or fair, I think that this body and certain Senators in this body will take appropriate remedial action.

There are various ways to deal with problems, and I highly expect that Mr. Frampton is watching these proceedings, and he is getting the message. And he certainly got the message when he spoke to various Senators, including this Senator, that questioned whether he would be balanced and fair. He told us he would be balanced and fair, but the proof is in the pudding, in the eating of the pudding. We will see.

Based upon all of the evidence that we have at this time, I think, frankly, this body has no choice but to not only vote to confirm Mr. Frampton, but to vote to confirm Mr. Frampton with enthusiasm and vote to confirm him, wishing him very good luck, because he has a very difficult job to perform, and we will be working with him to help him perform his duties in a very evenhanded and balanced manner. Mr. President, I urge the Senate to vote for the confirmation of George Frampton.

Mr. GRAHAM. Mr. President, I join my colleagues in support of the nomination of George Frampton to be Assistant Secretary of the Interior for Fish and Wildlife and Parks. As chairman of the Subcommittee on Clean Water, Fisheries and Wildlife of the Committee on Environment and Public Works, I am vitally interested in this nomination. In his new position, George Frampton will be responsible for the Fish and Wildlife Service and the National Parks. He will be responsible for protection of endangered species, the management of the National Wildlife Refuge System, and the conservation of wetlands and sports fisheries.

Because the subcommittee will be considering legislation relating to the Endangered Species Act this fall, it is important that we have in place at the Department of the Interior a person with the knowledge, experience and judgment to help the Congress in addressing the difficult issues we will face. I believe in George Frampton we have that person.

As sponsor of legislation that would provide the National Wildlife Refuge System with its own organic act and establish purposes and planning for the system, I am also eager to have in charge of this system a person who understands the importance of wildlife refuges to the protection of threatened and endangered species. This is a diverse system that is failing in its central purpose. In his last 7 years as president of the Wilderness Society, Mr. Frampton demonstrated great leadership and appreciation for the National Wildlife Refuge System. It is my hope that with Mr. Frampton in charge, that system will begin again to fulfill the original dreams of President Teddy Roosevelt.

There are some who have expressed concerns over Mr. Frampton on the very basis of his experience with the Wilderness Society. They have expressed concern that he may fail to appreciate the need to balance environmental concerns with economic realities. Those who express these concerns believe in a false dichotomy. Sound environmental and economic policies go hand in hand.

George Frampton believes this as well. Before the Environment Committee, in response to questions about his appreciation of multiple use of Federal lands, Mr. Frampton reminded the committee that he would be working with a former Western Governor, Bruce Babbitt, who also understood the need for balance. Mr. Frampton testified that he believes we must take into account the economic realities and the lives of people and the future of communities. He understands when you talk about protecting an ecosystem, that people are part of that ecosystem as well.

In my discussions with George Frampton about the problems that have befallen the Florida Everglades and Florida Bay, I have found him to possess a keen understanding of issues and a willingness to listen to all sides. I believe that he will be a strong administrator who will work to bring efficiency and coordination to Federal efforts to protect the environment.

George Frampton has degrees from Harvard Law School, the London School of Economics, and Yale University. He served as law clerk for Justice Harry A. Blackmun. This is a man who understands and can appreciate the complexities of issues and the need to address them in a forthright and effective manner. Those who would paint him as an environmental extremist simply do not know the man.

George Frampton has demonstrated that he has the experience and qualifications for the job. He also has the right temperament and judgment to build consensus over the difficult issues he will face.

I urge my colleagues to support the nomination of George Frampton as Assistant Secretary of the Interior for Fish and Wildlife and Parks.

Mr. D'AMATO. Mr. President, I rise today to speak on the nomination of George Frampton as Assistant Secretary for the U.S. Fish and Wildlife Service of the Department of the Interior. Mr. Frampton is not the main subject of my concern; instead, I speak on an important issue regarding Floyd Bennett Field, which is part of Gateway National Park, on Long Island, NY.

The Interior Department has refused to permit the Federal Aviation Administration to explore the possible construction of a terminal doppler weather radar at Floyd Bennett Field. This 135-foot radar would detect potential wind shear problems at JFK International Airport, several miles to the east of the

field. After being turned down by Interior, the FAA was forced to search for alternative sites in densely populated residential neighborhoods, finally choosing a site in the middle of North Bellmore, Long Island.

My constituents in the Bellmore, Wantagh, and Merrick neighborhoods, as well as other close-by areas, are justly opposed to the addition of a new, additional source of electromagnetic radiation literally in their backyards. It is unreasonable for Interior to refuse to permit the FAA to consider using an unpopulated site for a radar, when the result is to possibly jeopardize the public health of thousands of people. When we balance the equities, the well-being of people must take precedence over matters such as landscape aesthetics. Moreover, Floyd Bennett comprises only 1,450 acres—5.6 percent—of the total 26,000 acres of Gateway National Park.

On June 9, I joined with Congressman PETER KING to write the National Park Service asking them to work with the FAA. The June 17, reply we received from the Park Service's regional director stated that the radar would have a "* * * significantly negative affect upon the landscape, the aesthetics and the historic scene of Floyd Bennett Field." I was also informed that Gateway National Park is the Yellowstone for New Yorkers unable to visit other national parks.

I support Gateway National Park, and I want New Yorkers to have an opportunity to enjoy using it, but most New Yorkers don't expect to see Old Faithful when they visit Floyd Bennett Field. Floyd Bennett is not pristine parkland, and never was.

Floyd Bennett Field is a historic airfield that was used by famous early aviators such as Charles Lindbergh, Amelia Earhart, and Douglas "Wrong Way" Corrigan. In 1933, Wiley Post took off from the field on the first solo flight around the world. On July 10, 1938, Howard Hughes departed from Floyd Bennett Field on his record breaking around the world flight. From 1942 to 1971 it was used as a Naval Air Reserve training facility.

The Floyd Bennett Field of 1993 contains airstrips, pavement, roads, hangers, warehouses above ground fuel tanks, boat ramps, and a Job Corps training center specializing in masonry work. A U.S. Coast Guard Air Station is there complete with helicopters, hangers, aircraft and equipment, as well as a new U.S. Armed Forces Reserve Center. The New York City Police Department air operations is located there, with its helicopters and hangers. A pre-existing tower located on the field is 65-feet tall, and the park's visitors center has a 48-foot-tall control tower. Most recently, Floyd Bennett was used by the New York City Police Department and the Coast Guard to deploy search and rescue helicopters when the freighter *Golden Venture* went aground off the Rockaways and dozens of illegal immigrants attempted to swim ashore.

It is a shame when two Federal agencies cannot work together to address a serious public issue such as the placement of this FAA radar. The public has been caught powerless between these agencies, and has had to organize strong protests to elected officials to make its opposition heard.

The Interior Department should not be able to use its Federal presence on Long Island to prevent FAA from even considering a site. As much as Interior might like to pretend that Gateway National Park is Yellowstone National Park, Gateway is adjacent to a major airport whose safety would be enhanced by this weather radar.

Long Islanders make many sacrifices to accommodate the airport, enduring increasing traffic and noise. Having a radar placed in their backyards, when unpopulated, improved Federal land is available is not the way the Federal Government should treat taxpayers.

Mr. President, I urge the Department of the Interior to give this matter its immediate attention.

Thank you, Mr. President.

Mr. SIMPSON. We have been considering the nomination of George Frampton to be Assistant Secretary for Parks, Fish and Wildlife at the Department of the Interior. This is a particularly important post for Western State Senators. The decisions and policies made by the Assistant Secretary have the potential to dramatically affect the lives of westerners because we have so much public land in our States. Wyoming has the largest amount of wilderness in the lower 48 States. We are home to Yellowstone National Park. My State is home to Grand Teton National Park. We have several wildlife refuges and substantial Bureau of Land Management lands.

I think it is so important to point out that many of my constituents are very concerned that George Frampton may not be sensitive to Western land use issues or to the concept of multiple use, which was on the books long before George Frampton or ALAN SIMPSON came to this place.

This is especially true as it relates to the management of wildlife on Federal refuges and Federal lands. We in the West have seen the abuses of the Endangered Species Act, where endangered or threatened species have been used as pawns to justify unpopular or unnecessary land use decisions. We trust George Frampton will not condone or encourage such practices.

At one time we had over one-sixth of Yellowstone Park closed to public access in the name of grizzly bear protection. That serves only to alienate the public and to erode support for the Endangered Species Act. They said we could not go over a particular area because of grizzly hibernation. When you drive over 12 feet of snow with a snowmobile in the middle of winter, you really do not disturb grizzly bears too much when they are 12 feet or 8 feet down under the snow.

In another instance, the National Park Service decided to ban boating and kayaking on the rivers and streams in Yellowstone. They prohibited motor boats or canoes because it would erode the shoreline in a lake 8,000 feet in altitude, but, on a clear August day, the wind might cause waves 2 to 3 to 4 feet at this lake. Nevertheless, it was asserted that motor boats would erode the shore.

That latest great caper to prevent boating and kayaking, was ascribed to the protection of endangered species such as the whooping crane and the wolf. The only problem with that rationale was that neither of those species existed at the park at that time. This type of dishonesty cannot be tolerated. If the Interior Department is going to make a policy decision, they should be honest about why they are doing something instead of hiding behind the Endangered Species Act or some other wildlife management issue.

I have visited with George Frampton about these concerns. He seemed to understand what I was saying. Only time will tell how this administration will manage public lands in the West. We are very concerned. When dealing with this administration, we thank heaven have some Democrat, and Western Governors who understand these issues. They might help provide the needed balance. That may save us a lot of pain. But if this administration does not take into account the concerns of the people who live near these public lands, who are the primary users, along with the other people in the Nation, there most certainly will be a backlash. Westerners are very concerned about how the Interior Department will be run under the Clinton administration. They will be watching closely to see whether the influence of some of the more radical environmental groups is as great as some have warned.

The job of Assistant Secretary of Parks, Fish and Wildlife is a tough one. It requires the balancing of many concerns, some very extreme on both sides of every issue. George Frampton has assured me he will discount the extremists on both sides, the zealots on both sides, when he makes policy decisions. I sincerely trust and hope that will, indeed, be the case.

Mr. HELMS. Mr. President, the Department of the Interior was established in 1849 by the Congress to conserve Federal lands and natural resources, manage our mineral resources, protect fish and wildlife, operate our national parks and historic sites, to oversee outdoor recreation, and serve as a trustee for Indian reservations.

Mr. President, I cannot support President Clinton's nominee for Assistant Secretary of the Interior for Fish and Wildlife and Parks. George T. Frampton has actively and constantly worked against the interests of both the American people and the wise use of our public lands. I ask unanimous consent that the RECORD reflect my opposition to this nomination.

The Wilderness Society, of which Frampton has been executive director, is part of a militant environmental establishment which has little regard for the constitutional rights of working Americans when, in fact, those rights should be the basis for all policy decisions.

Mr. Frampton has shown his hostility to the American people and to job creation. At a February 12, 1992, press conference he referred to timber workers who were participating in hearings held by the Department of the Interior on the economic impact of the spotted owl restrictions on logging as mobs. He did this six times.

But, Mr. President, there is more. At an Earth Day press conference on April 21, 1992, Mr. Frampton attacked the administration of Alaska Gov. Walter Hickel for its environmental policies and suggested that the State of Alaska be turned into a historical park. Mr. Frampton said, "You might say it, referring to Alaska, is a curiosity—you know, we ought to make the whole State a historical park so people can go there and see how folks thought in the 19th Century. * * *" He doesn't care about people.

Mr. President, in North Carolina the Wilderness Society, and other self proclaimed environmental protectors, sued the Federal Government to block construction of a major Army Corps of Engineers project in my State. This project was authorized by the Congress in 1970 for the construction of rock jetties at Oregon Inlet, NC—to protect the hundreds of fishermen who risk life and limb to earn a living in the kinetic waters of the Atlantic.

Mr. President, this channel in the inlet is unstable, it is constantly being filled with silt from shifting tides, and it costs the American taxpayer millions of dollars in dredging costs each year to keep it open. Construction of these jetties would stabilize this inlet and over time save the American taxpayers millions and more importantly protect lives. Thirty North Carolina fishermen have died in Oregon Inlet—lives that would not have been lost had the jetties been completed.

The Department of the Interior has caved in to the demands of the environmental establishment and has denied North Carolinians the use of a small piece of Federal land necessary for project construction. As a result the commercial fishing industry in this part of my State has been harmed, and a way of life for many fishing families threatened. These fishing families are hurting. They are suffering because people like Frampton put their selfish interests above the good of average Americans.

The PRESIDING OFFICER. Is there further debate?

If there is no further debate, the question is on the confirmation of George C. Frampton.

The nomination was confirmed.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The President will be immediately notified of this action.

POSITION ON VOTE

Mr. CRAIG. Mr. President, for the RECORD, I have a communication from Senator JESSE HELMS that if a rollcall vote had been held, he would have voted "no" on the nomination of George C. Frampton, Jr., to be Assistant Secretary of the Department of Interior for Fish and Wildlife.

LEGISLATIVE SESSION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate return to legislative session.

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

MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate be in morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Wyoming is recognized.

RETIREMENT OF TOM NOTTINGHAM

Mr. SIMPSON. Mr. President, I pay tribute today to the retiring Chief of the U.S. Capitol Guide Service, Tom Nottingham.

He is one special man. He has been of immeasurable help to me since I came to the U.S. Senate. On this very day, he will retire after 35 years of loyal service to his country.

He was born right here in this community, a native of Washington. Upon graduation from high school, he served in the U.S. Navy. Then he joined the Capitol Police in 1962. One year later, Senator Everett Dirksen appointed him to the U.S. Capitol Guide Service. He became Assistant Chief Guide in 1968 and has served as Chief Guide since 1971.

Millions of Americans and citizens of other countries visit this remarkable Capitol each year. The U.S. Capitol Guide Service is responsible for welcoming all of those visitors. Tom Nottingham has overseen this effort with remarkable devotion, dedication, and effectiveness.

After 31 years, he has served under 8 U.S. Presidents. During his tenure, there have been approximately 90 million visitors to the U.S. Capitol.

Tom has no peer when it comes to his pride in our Capitol and the institution of Congress. He is a true patriot. When I learned of his intention to retire, I told him: "I want to make some remarks about you, my friend." Let me just quote from a recent letter he sent me:

> I am proud to have served the Congress for the last years. I would not change a thing. I love the institution and what it stands for and am proud to have served the people who visited their Capitol. My family has 165 years of service in the Capitol Building. Even though I am retiring, my son and sister will carry on this rich tradition.

Mr. President, this letter indicates Tom Nottingham is the epitome of the unselfish public servant. He has gained great respect and well-deserved admiration from all of us who have observed him perform his work so professionally.

What I am personally going to miss is his hail and hearty greeting as I often walked through the great rotunda of this magnificent building—the home of our Nation's legislative activities. I will always remember Tom's face across that great expanse and, with a friendly wave of his hand, he would say, "Sure, bring those folks over. We have room for them on this tour." Or he might also say, "How can we help you today?"

He is a wonderful gentleman and a spirited and energetic man. He loved his job. It was a perfect combination of his very evident love for people, his love for the Capitol, his love of history, and his love of those who worked for him.

This is not a eulogy. He is going to be among us and has many years of life to savor. He has not gone from us. He is simply moving on after retirement.

He has gained the great respect of his peers and the well-deserved admiration of all of us in Congress who have observed him perform his work so very professionally and so very thoroughly.

It is always a great pleasure to observe someone who enjoys his or her

work. That was always something you could easily see in Tom's face when he was at his post in the Capitol. He will be very much missed by us all.

My wife, Ann, joins me in expressing our great personal gratitude to Tom. He has been so helpful to both of us and to our constituents, and we wish him well. We will miss him.

We pray all goes well for him in his life and wish him every good success in his retirement. We also extend every good wish to his wife, Carol, and to all of his remarkable family.

I am very pleased to have cosponsored Senate Resolution 125, a resolution commending Tom Nottingham for his outstanding service in the U.S. Congress. It was submitted by the majority leader and agreed to unanimously on June 23. I congratulate Tom on a job superbly done.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. I thank the Chair.

(The remarks of Mr. SIMPSON pertaining to the introduction of S. 1181 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SIMPSON. I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SENATOR METZENBAUM

Mr. SIMPSON. Mr. President, I see our colleague from Ohio, Senator METZENBAUM, has returned to the floor. I would be here, too, after hearing the accolades of the last 2 days. I would stay right here, leaving not for dinner or lunch, because it has truly been a remarkable outpouring of affection and regard from both sides of the aisle, which is unique in this place. I think I will summarize it in the western vernacular: This man has a lot of guts, and he stuck with his guns for all of his years in the U.S. Senate. Anyone who knows politics, as we all do, knows that is the most important trait, that is the currency of this place—courage, guts.

He and I have had some wonderfully interesting times together. We did not have to agree. In fact, we disagreed to beat the band. But then, after it was all over, I could go on over to his office and look at some of his art and discuss it with him, or talk about music or culture or human nature with him, and it was always a rare treat for me.

Mr. METZENBAUM. Baseball, too.

Mr. SIMPSON. Baseball, too. We are not through with that issue, HOWARD. We have work to do until baseball at least gets a commissioner, and if they do that, we will have less work to do. But until they do that, I think you and I will stay vigorous on that issue.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senator is correct. We are in morning business.

The Senator from Ohio is recognized.

Mr. METZENBAUM. I thank the Chair.

(The remarks of Mr. METZENBAUM and Mr. FEINGOLD pertaining to the introduction of S. 1183 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

PRAISING SENATOR METZENBAUM

Mr. FEINGOLD. Mr. President, I rise very briefly in praise of the efforts of the Senator from Ohio. I was saddened yesterday to hear his announcement that he would not be seeking reelection.

When I was running for the U.S. Senate and years before that, I thought if I ever had the chance to serve in the U.S. Senate, one of the persons I would be most honored to serve with would be the Senator from Ohio who, in my view, has been one of the great progressives to serve in this body in the last 20 to 30 years.

So it was a little bit disappointing to hear that I will only serve with him for 2 years. But these are going to be a good 2 years, as I see even on the next morning we are working together on an important piece of legislation that is a perfect example of the across-the-board progressive approach that the Senator from Ohio has taken.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. MCCAIN. Mr. President, first I want to comment on the news that came out this morning that U.S. District Judge Charles Richey ruled that the North American Free-Trade Agreement supported by President Bush and by President Clinton violates the National Environmental Policy Act. He goes on to say in an incredibly uninformed fashion, NAFTA will have significant environmental effects and may worsen the environmental problems already existing in the United States-Mexico border area.

On occasion, I have seen judges speak out of pure ignorance. This is one of the most graphic displays of an unwarranted intrusion into the President's ability to conduct foreign policy. But for him to express a belief that environmental problems will worsen as a result of increased trade and better Mexican-United States economy, of course, flies in the face of the facts and reality.

One would hope that before making a decision of this gravity, which I believe will be quickly appealed and overturned by the U.S. Supreme Court, that Judge Richey would at least inform himself of the facts. He, obviously, strayed from the constitutional basis by making an assumption that environmental problems will worsen, when all experts that I know of, except those who are adamantly opposed to this agreement, agree that a wealthier Mexico will, indeed, address the issues affecting the environment. Already they are spending more as a percent of their gross national product on environmental issues and environmental problems than we are.

Again, we see, in my view, an egregious and almost outrageous interference in the powers and prerogatives of the executive branch by a Federal judge who must, one can only conclude, be pursuing his own environmental liberal agenda.

GOING HOLLOW: THE RISING THREAT TO AMERICAN MILITARY READINESS

Mr. MCCAIN. Mr. President, I rise to talk about the issue of going hollow, the rising threat to American military readiness.

Only 3 years ago, we went to war as the most combat ready force in the world. The value of that readiness is clear. We won a massive victory in a few weeks over one of the largest armies and air forces in the world, and we did so with virtually no losses of American and allied lives. We were able to end aggression with minimum losses of civilian life, and we were even able to greatly reduce the casualties of our enemy.

Today, that readiness is beginning to evaporate. In spite of the efforts of our services, we are going hollow. We are losing the combat readiness and edge that is an essential aspect of deterrence, defense, and the ability to repel aggression.

It is true that we have heard many reassuring words to the contrary. It is true that many of our rising readiness problems are not yet reflected in the plans of our military services—which are still written as if each service would receive full fiscal year 1994 budget request, be repaid for the cost of recent operations, and avoid future peacekeeping and humanitarian operations.

The fact is, however, that we are going hollow. We are losing our ability to get there "fustest with the mostest," and the indicators are all too clear the moment we look beyond superficial indicators and the normal rhetoric of budget testimony.

The tangible evidence of this trend is contained in the words of the Chief of Staff of each military service. Several weeks ago, I asked each Chief to address the key readiness problems in his service, and to provide me with written answers to a series of questions that addressed these problems. I have now received an answer from the Chiefs of each of the four services.

These answers do not reveal a single reason why we are going hollow, or a single set of answers as to how these problems can be solved. Each service has a unique mix of readiness problems, and has made different tradeoffs. The data provided by the Chiefs also show that both the executive branch and the Congress are to blame. They show that the administration is to blame for underfunding some aspects of readiness at the expense of others, and that the Congress is to blame for using readiness for pork and special interest projects.

The central issue is not, however, who is to blame, but how to correct these trends and to prevent them from reoccurring in the future. It is to recognize the lessons of Bosnia, Cambodia, Iraq, Liberia, and Somalia, and the fact that we must endure decades of a new world disorder before we can hope to reduce the world's reliance on the deterrent, peacemaking, and war fighting capabilities of the United States.

"GOING HOLLOW"; DEFINING READINESS

In order to understand the issues involved, it is necessary to understand just how difficult it is to achieve the kind of readiness we had during Desert Storm. Readiness is not a matter of funding operations and maintenance at the proper level. It is not a matter of funding adequate numbers of high quality personnel, it is not a matter of funding superior weapons and munitions, of funding strategic mobility and prepositioning, of funding high operating tempos, of funding realistic levels of training at every level of combat, or of logistics and support capabilities.

Readiness is all these things and more. A force begins to go hollow the moment it loses its overall mix of combat capabilities in any one critical area. Our technology edge in Desert Storm would have been meaningless if we did not have men and women trained to use it. Having the best weapons system platforms in the world would not have given us our victory if we had not had the right command and control facilities, maintenance capabilities, and munitions.

This will be as true in the future as it was during Desert Storm, and it has been true throughout the history of warfare. As Sun Tzu pointed out over 2,000 years ago, "It is a doctrine of war not to assume the enemy will not come, but rather to rely on one's readiness to meet him. It is a doctrine of war not to presume that he will not attack, but rather to make one's self invincible."

THE NEW RISKS OF GOING HOLLOW

We do, however, need to be aware that the ways in which forces can go hollow change with time. We need to be aware of the new risks of going hollow, and that simply attempting to avoid these mistakes of the 1970's will not protect us in the 1990's, or the post-cold war era.

During the next few days, I intend to address the risks raised by each of the Chiefs of Staff in their reply to my questions. There are, however, a series of general risks that affect each service, and which both the administration and the Congress must consider in funding an adequate defense program.

The illusion of OPTEMPO: One example is the current effort to maintain high levels of operational activity or OPTEMPO. Our forces cannot be ready if they do not constantly maintain high levels of activity and training, and there is merit in ensuring that we do not reduce their operational tempo as we cut total force strength and defense spending. However, if such levels are funded at the expense of major overhauls and depot maintenance, of keeping personnel deployed for excessive periods in the field, and at the general cost of straining our forces and our major combat equipment, they trade this year's readiness for going hollow in the future.

The high levels of OPTEMPO reported by each service are no guarantee against going hollow. In fact, they are the fastest way to go hollow if they are not kept in long term balance with the overall readiness of our services.

Increasing depot level backlogs: A tangible warning of decreasing readiness is the fact that the price of correcting our depot level maintenance backlogs has been rising for the last 3 years, in spite of many cuts in our forces. It now totals $2.1 billion today versus $420 million in 1991. Similarly, the cost of our backlogs in real property maintenance have risen from $3 billion in the mid-1980's to $14 billion today.

Underfunding manpower quality: More than anything else, our victory in Desert Storm was a tribute to manpower quality. Men and women worked around the other problems in readiness, and exhibited an overall level of individual combat performance that has previously been limited to a small portion of our total force.

Maintaining this manpower quality, however, requires decent pay, not falling more than 18 percent behind comparable civilian pay by the late 1990's. It requires proper funding of recruiting. It requires proper promotion rates. It requires proper living conditions and morale and welfare services. It requires reasonable tours of duty, and confidence that pay and other personnel issues will be dealt with fairly and not on a basis of fiscal opportunism. It is hard to see that we are meeting any of these requirements today.

Underfunding manpower strength: President Clinton has already stated that the United States needed military forces of at least 1.4 million men. This is 200,000 men less than the force called for by President Bush, and may well push the services toward manning levels that are too low to meet our readiness needs. It is far from clear, however, that we really have the money to maintain a force of much over 1 million men at the end of the 1990's. The end result may well be manning levels that are too low to provide effective combat capability. We have to be certain that our force levels are adequate to meet deployments and rotations to meet our overseas commitments.

Manpower turbulence and insecurity: Each service is experiencing near record levels of turbulence and insecurity. This is reflected in extended tours of duty, sudden changes of assignment, high rates of relocation, and a series of changes in personnel policies which confront all men and women in service with the inability to predict their career patterns or know whether they can stay in the service.

These problems are compounded in the case of military families. Spouses often lose their jobs with relocations, moves mean significant unexpected expenses, and dependents often have adjustment problems. At the same time, unit and crew continuity is lost as moves break up well trained and cohesive units—depriving them of much of their readiness.

Underfunding modernization: We need to remember that we previously equipped our forces principally to fight the Soviet Union and Warsaw pact. As a result, we made many compromises in modernizing our forces that are inappropriate, given the new priorities of the post-cold war era.

Current critical needs for modernization include funding improved theater lift, armor, and fire support for the Marine Corps. They include funding mine warfare, amphibious lift, pre-positioning, naval fire support, improved air battle management, and longer range all-weather conventional strike aircraft for the Navy.

They include funding the ability to rapidly deploy and sustain at least three heavy divisions, improved attack and other combat helicopters, improved command and control and battle management systems, and improved strategic and theater lift for the Army.

Finally, they include improved conventional bomber and attack aircraft and munitions capability for the Air

Force, and a conversion to much heavier reliance on smart and high lethality air-to-ground munitions. More broadly, they also include improved defenses against missile, chemical, and biological warfare.

Underfunding major equipment life cycles: Even when maintenance and overhaul cycles are fully met, this may fail to meet operational needs. History has shown us that periods of diminishing defense resources inevitably mean that equipment and munitions must be kept in service much longer than the military services originally plan. Unless a concerted effort is made to adjust maintenance and overhauls to provide for longer life cycles, existing readiness standards will still mean we drift toward a hollow force.

Underfunding the upgrading of existing weapons and munitions: For the same reasons, it is easy to lose sight of the fact that if weapons and munitions are to have longer lives of effective service, we must shift part of our remaining R&D and procurement dollars to upgrade the weapons we already have.

Our present budget puts far more emphasis on high technology and R&D for new weapons—most of which will not deploy until well after the year 2000—than it does on upgrading the current weapons our men and women will actually have when they go into combat. Until we have a new and comprehensive upgrading strategy, reflecting real-world shifts in our retention of combat equipment, we will move toward hollow forces.

Underfunding munitions stocks: Each of the services now tends to meet its munitions goals by redefining the stocks on hand as adequate to meet a shrinking force posture. The net result is smaller stocks of munitions per weapon, and a failure to purchase the most advanced forms of smart weapons, fuzes, and conventional weapons in the amount required.

In the process, we are risking our industrial base for smart and conventional munitions by reducing orders below a critical threshold.

Betting on communications, command and control, munitions, and sensor systems we do not have. There is a growing tendency to reduce today's force posture and readiness in anticipation of new battle management systems and advanced munitions that we do not yet have in the force structure.

This "betting on the come" trades readiness we have on hand for technology that is still in the bush. Historically, we have never deployed such systems on time, at the estimated cost, or with anything like their postulated effectiveness.

The risks of such efforts to trade readiness for technology are compounded by a lack of effective coordination among the services and within the Office of the Secretary of Defense in deciding on coherent force packages of such systems that are linked to a clear picture of our future force posture and roles and missions.

Misusing DBOF and slashing O&M funds: For the last 3 years, the Department of Defense and the Congress have combined to slash at the O&M funds which will have a direct effect on military readiness.

Now, the Department of Defense has created a new method of funding readiness that threatens to become a Frankenstein monster. It effectively taxes our combat units for readiness services they do not receive. At the same time, operations and maintenance funds have become a target for Members of Congress that use the money for pork or token budget cuts.

Funding operations at the expense of readiness: We are already deep in the process of using readiness funds to pay for peacekeeping and humanitarian operations. In theory, much of this expenditure will be repaid through supplemental appropriations or out of Department of Defense contingency funds. In practice, it is very unlikely that the services will ever be fully repaid for the cost of their operations, and they will be forced to pay for peacekeeping and humanitarian actions in a way that will affect their readiness.

Spending savings before we make them and know they are achievable: It is very easy to achieve management efficiencies on paper, and to cut infrastructure or reduce support funding to achieve budget savings. In practice, however, there is an increasing tendency to cut first and determine the practicality of such savings later.

Excessive reliance on computer simulation: Simulation can be an extremely useful supplement to training, but it cannot replace it. It is tempting, however, to save money on exercise and other forms of high cost training and increase reliance on simulation even when this produces a significant cut in real world readiness. Excessive reliance on simulation may produce lower training costs, but it is no substitute for the real thing.

Cutting back on test and evaluation: Long experience has shown us that even the best test and evaluation efforts can leave equipment with significant problems that are only exposed in combat. Comprehensive test and evaluation is expensive, and it is tempting to cut corners. Any reduction, however, means a loss of readiness.

Misusing and under-allocating BRAC funds: Unlike regular military construction funds, the Department of Defense has considerable discretion in how it allocates BRAC funds for both military construction and environmental cleanup. The Department has begun to systematically abuse this funding under the guise of flexibility in several different ways. The net result is that BRAC underfunds cleanup activities in its budget—forcing costly drawdowns from fast-spend accounts like readiness.

This underfunding will cost some $700 million in BO and over $1 billion in BA in fiscal year 1994. At the same time, the Department violates at least the spirit of the base closing legislation by shifting the target of BRAC funding and does not provide all of the funding necessary to actually transfer a given function. It also is failing to adequately fund housing and morale, welfare, and recreation facilities.

Using defense funds to pay for new priority programs: The administration's fiscal year 1994 budget request identifies 1.6 billion dollars' worth of defense reinvestment and economic growth initiatives. Many of the activities funded under this title are useful programs, but many are simply bright ideas that have to be funded out of readiness funds and essentially trade needed jobs for the possibility of creating new ones. Another $888 million is to be spent on reducing the threat from the U.S.S.R. and global cooperation initiatives. Many are useful programs, but should be funded as foreign assistance.

By the time the Congress finishes with the fiscal year 1994 budget, it will probably have cut and reprogrammed another $5 billion or more away from higher priority defense activities. Much of this reprogramming will come at the expense of readiness.

LOOKING AT ALL THE MEASURES OF READINESS

It is my sincere hope that Secretary Aspin's readiness panel will examine each of these risks, as well as the more conventional measures of readiness. It is terribly easy to create a paper tiger: A force that looks good on a spread sheet and which is inadequate in the field.

This paper tiger problem is compounded by both the can do attitude of the military and the history of military readiness reporting. On the one hand, our men and women in uniform have a history of making do, of adjusting to civilian decisions, and working out potential solutions even at the cost of assuming higher risks.

On the other hand, we have been very slow to modernize and integrate our various measures of readiness, to adopt more challenging measures of effectiveness, to independently audit command reporting, and to adopt modern management information systems.

Time and again, we have learned that our readiness measures are unrealistic or fail to anticipate real-world demands on readiness funds and budget cuts. Time and again, we have seen peacetime claims of can-do turn into wartime realities of can't fight.

The gulf war, for example, demonstrated all of these problems. In spite of the highest readiness funding in our history, we were not ready to

fight when we deployed. We took months to adjust the organization, training, and support structures of our active combat forces, we experienced major problems with some aspects of the callup and training of our Reserves, and we literally had to make thousands of modifications to our combat equipment, munitions, support equipment, and battle management and communications systems.

Without the months Saddam Hussein gave us, these readiness problems might well have cost us thousands of lives. Few future opponents are likely to give us the most precious gift in modern war: time. If we are not ready, we will send many of our men and women to their deaths.

Mr. President, I appreciate the friendship and indulgence of the President for allowing me to make this statement.

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

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Mr. President, I ask unanimous consent that I may speak as if in morning business.

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

Ms. MIKULSKI. Thank you very much, Mr. President.

TRIBUTE TO SENATOR HOWARD METZENBAUM

Ms. MIKULSKI. Mr. President, I express my real regrets that Senator HOWARD METZENBAUM will not be returning to the U.S. Senate for the 104th Congress.

I know that many of our colleagues spoke eloquently about him yesterday. Because of the press of Senate business, I could not join that a cappella choir. But I wanted to be here today to express my enormous gratitude for what Senator METZENBAUM has meant to me, to the women of the Senate, and also to the Nation.

For me, from the very first day I arrived, Senator METZENBAUM extended his hands to me in friendship and empowerment. I say the word "empowerment" because Senator METZENBAUM was absolutely helpful to me in identifying how I could be a very effective Senator.

Mr. President, you might recall that I am the first Democratic woman ever to be elected in the U.S. Senate in her own right. When I came to the U.S. Senate, I was a first. I was welcomed cordially by my colleagues and enjoyed their colleagueship. Senator METZENBAUM told me where the power was in the Senate, where those levers were, how to get things done for the State of Maryland, how to make sure this voice of mine could be heard but heard in the most effective way.

As I began to work on legislative strategy and move my initiatives, Mr. President, like every freshman I did not master the parliamentary procedures and a couple times, to use the vernacular, I got rolled, but Senator METZENBAUM approached me and said, "Whenever you have a hot item, I will help show you the twists and the maneuvers of our arcane procedures."

I always felt that Senator METZENBAUM was there for me, in order to help me move a substantive agenda, and he was also there to back me up and give me the tips on how to master the parliamentary processes. For a freshman Senator who wanted to not only serve Maryland but knew, as the first Democratic woman, that I was casting the die for all others to come, it meant a lot to me to have a Gallahad-like Senator METZENBAUM working with me.

Then along come an opportunity in the 1992 elections to elect other women to the U.S. Senate, and Senator METZENBAUM stepped forward immediately to work with the Democratic Senatorial Campaign Committee and a group we called the Women's Council of the Democratic Senatorial Campaign Committee to help us raise the resources so that women running for office around the United States of America would be able to have the resources to run good campaigns. HOWARD METZENBAUM was absolutely there for us, working as hard as I, the chair of the Women's Council, to raise those resources. He held enormous art auctions and did any number of things. And why? Because he felt that the women of America should have a league of our own right here in the U.S. Senate.

Thanks to the help of the Democratic Senatorial Campaign Committee and GEORGE MITCHELL and the great efforts of HOWARD METZENBAUM, I have now been joined by DIANNE FEINSTEIN, BARBARA BOXER, PATTY MURRAY, and CAROL MOSELEY-BRAUN, and I believe that we are just the first wave of what will continue to follow.

So we are very grateful to Senator METZENBAUM for helping make that possible.

Also, I thank HOWARD METZENBAUM for what he has meant to the Nation in his legislative role, whether it has been on the Judiciary Committee or whether it has been on the Senate Committee on Education and Human Resources. He has been a voice for those who have been left out and left behind. He has been a voice for those who had no voice. He has tried to be a power force for those who had no power in our country, as a populous agenda to make sure he was never afraid to take on the big boys and we could have trust that he would always be there to enforce the antitrust laws.

In his work on the Subcommittee on Labor and Human Resources, he was there to make sure our work force needs were being met and that, the American labor movement knew that they had a friend in the U.S. Senate.

Others will speak long and eloquently about his legislative accomplishments. But HOWARD METZENBAUM is more than a résumé. He is more than a list of legislative accomplishments. He is truly one of the great Senators in this last half of the century.

As the first Democratic woman in the U.S. Senate, I do not want this to be the last goodbye for HOWARD METZENBAUM. I count him as a friend in the Senate and I will count him as a friend throughout the time that we will have together.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. 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. DOLE. Mr. President, was leaders' time reserved?

The PRESIDING OFFICER. It has been reserved.

THE ECONOMY AND THE MESSAGE FROM THE PEOPLE

Mr. DOLE. Mr. President, as the President and congressional Democrats busily work on the biggest tax increase in the history of the world, the American people are watching, and they do not like what they see.

Yesterday, we got an unmistakable message from the American people, who sent us a triple dose of shaky economic news—another drop in the Index of Leading Economic Indicators, a plunge in consumer confidence to its lowest level in 8 months, and a startling collapse in new home sales, down 21 percent in May, the largest drop in 13 years.

And if yesterday's news wasn't bad enough, today the Commerce Department reported that orders for manufactured goods fell 1.4 percent in May, down to the lowest level since last November, and marking the first 3-month decline in more than 2 years.

After eagerly taking credit for an April increase in home sales, taking credit again for lower interest rates, interest rates that began tumbling during the Bush administration, the White House is now switching into another damage control spin cycle, trying to distance itself from all the bad economic news. President Clinton is even backing away from the Senate Democrats who barely squeezed through his

huge tax package. According to President Clinton, what was a victory last week is now not well-advised. Is it any wonder working America does not feel very good.

Let us face it, the White House can now make all the excuses it wants, but it cannot escape the fact that the Clinton tax plan is on trial—and the verdict of the American people is guilty. While the President feverishly tries to wrap up the votes for his gigantic tax increase on Capitol Hill, he is not winning many votes on Main Street America.

I have been meeting lately with a lot of small business men and women, including several at breakfast this morning, and these employers who drive the American economy are scared to death—when they are not laying off workers, they are putting hiring plans on hold, and avoiding risk—all because of the haunting Clinton tax increase. To put it simply, the Clinton tax increase promises to turn the American dream into a nightmare for millions of hardworking Americans.

If the troubling economic news is not enough of a wakeup all for the White House, a new ABC News/Washington Post poll revealing declining confidence in the White House ought to shake them up. According to the poll, 57 percent of the American people disapprove of the way the President is handling the economy; more people now give a thumbs down to his tax plan than approve of it—47 percent disapprove, 41 percent approve. A whopping two out of three Americans now fear that the final tax package will raise taxes too much and cut spending too little. And 40 percent now trust Republicans in Congress—that's right, they trust Republicans—more than the President to handle the economy, an 11 point surge for congressional Republicans in a little more than 2 months.

So, despite all the Democrat maneuvering, and all the happy talk about how good tax increases are for the economy, the American people have not been fooled. They have compared the Clinton tax plan with the Republican cut-spending-first alternative, and they have come to the conclusion that the Clinton plan is guilty—guilty of assault and battery on the American economy.

If President Clinton and his economic team take anything from these new statistics, it should be that it is not too late to start over. Scrap the largest tax increase in the history of the world and join Republicans and sit down together and try to hammer out some package that will cut spending more. I think if that were done, there would be strong bipartisan support.

But in the meantime, unless somebody is talking to somebody we have not had any contact with—it cannot be the rich because they are having lunch everyday at the White House. It cannot be the small business people because we had breakfast with them this morning. And almost without exception, going around the room, people with 6 employees, 80 employees, 100 employees, they are not hiring anybody because of the tax bill and because of health care. They are worried about another payroll tax.

Two women got up and said they have 49 employees and are not going to hire number 50 because of the mandated Federal leave plan we passed in the Senate early this year. Why do we not give business a break? Why do we not get off their back? Why do we not start over? I can promise there are enough of us on this side who still bear the scars of deficit reduction votes we made in the past to help the President and doing what I think everything feels is right for the country: Cut spending first and then we will take a look at revenues.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

INTEREST TAXES

Mr. HOLLINGS. Mr. President, my distinguished colleague from Kansas is misleading in his comments. His mantra is: Cut spending first. I wish we had the luxury of solving the deficit mess strictly by cutting spending. That is an easy dodge for anybody in public office, to say we should cut spending rather than raise taxes. We are trying our best to cut all the particular budgets.

Certainly the President has been cutting spending first. He came to town. He eliminated 100,000 Federal jobs. He cut the White House staff. He froze my pay, his pay, and everyone else's pay. But it is very, very misleading to get into this drumbeat, singsong rhythm of cut spending first, cut spending first, as if that will solve the problem.

The Senator from Kansas cites tax increases as the reason for the adverse economic indicators and the lack of consumer confidence. But we all know that the largest tax increase bill in the history of the Government is the tax increase bill passed by George Bush in 1990. So don't blame President Clinton, who just got to town.

Reading these editorial columns, you would think Bill Clinton had been up here running Government for the last decade when the fiscal mess was made. Bill Clinton is not the culprit. He is not the big spender. He couldn't even pass a modest $16 billion stimulus bill that would have immunized children, that would have created summer jobs, that would have paid for extended unemployment compensation, that would have built highways.

In fairness and historical perspective, we have to look to see really what the poor gentleman inherited. President Clinton inherited an unprecedented fiscal mess, the quadrupling of the national debt in a 12-year period, $400 billion annual deficits. As a consequence, at 8 o'clock this morning the Treasury had to borrow another billion bucks just to keep the doors open, and we will have to borrow another billion tomorrow morning, and Friday morning and Saturday morning, and every weekday of the year, $313 billion gross interest costs annually, which I call interest taxes. That is really the tax that cannot be avoided. That interest cost must be paid, and we are paying out now $300-some billion for absolutely nothing due to the fiscal legacy of the Reagan-Bush tax increase. One billion dollars a day, 313 days a year. That is the largest tax increase in history.

All during that 12-year Reagan-Bush period we tried everything in the world to stem the flood of red ink. Republicans talk freezes now; they opposed them. Republicans talk cuts now; they opposed them then. They talk about paying the bills, saying their party's philosophy is to be fiscally responsible, yet their party has been fiscally reckless on a monumental scale. It is very deceiving for Republicans to come and act now like fiscal innocents. They are fiscal libertines. Yet they dare to preach at the Rotary Clubs that somehow Democrats want to start spending first rather than cut spending first.

The fact of the matter is that we have a shaky ship economically and we have to do both. We have to keep the ship afloat. We have to start paying these bills and get some money into these basic programs so that we do not go into a deep depression dive. As a result, the President is providing more incentives. He is providing more in training. He is providing smarter health care and, of course, he is going to be providing more in law enforcement due to the drug menace, more money to fund the policeman on the beat. We all know that. And our good Republican colleagues favor that.

But to come around now and say cut spending first, this is an outrageous sham, unmitigated gall, total hypocrisy for that group to say it. Heavens above, Republicans are the ones who caused spending first: 8 o'clock every morning, we go down and spend another billion bucks because Ronald Reagan and George Bush quadrupled the debt. George Bush had 43 vetoes. But not one veto of spending. Not the Senator from South Carolina, I am sure not the Senator from Oregon had his name on every bit of that spending, but mark it down, a 4-year track record, hollering, "That Democratic Congress; that Democratic Congress." But the common denominator was that Bush signed every spending bill.

He had a chance. He was in the Persian Gulf—and I quote him correctly—"kicking ass." That is what he said he was going to do. Yeah, he was tough.

But when it came to spending, he was the biggest spender this Senator has seen in his almost 27 years.

Yes, my dear friends, Lyndon Baines Johnson gave Richard Milhous Nixon a surplus, not just a balanced budget, a $3.2 billion surplus.

My friend President Jimmy Carter cut the Jerry Ford deficit that he inherited.

But when this Republican crowd came to town, over 12 years they had a ball and they raided all the trust funds. We will owe Social Security, within 6 short years—1998—we will owe Social Security a trillion bucks. We are decimating the Medicare health budgets. Why is there no infrastructure? We get $19 billion in highway gas taxes; yet they want to put on more gasoline taxes, not for highways but for the deficit; we do not use the gas taxes for highways and bridges and construction as we should. Likewise, we do not use the airport and airway taxes for airports and radar facilities and safety equipment. We raid these trust funds to hide the true hellish scope of the deficit.

The Republicans had their chance and they had their leadership, and they led us into the biggest fiscal morass you have ever seen.

I hope I am here every day they chant this "cut spending first."

We are going to have to cut spending first, but we are going to have to increase taxes even more if we are going to get on top of this runaway deficit beast. Because as Lewis Carroll, in "Through the Looking Glass" said, "In order to stay where you are, you have to run as fast as you can. In order to get ahead, you have to run even faster." It is that tough a situation that has been bequeathed to President Clinton. The President himself has not adequately made that clear to the American people

But I am glad for the opportunity to be here when the distinguished Senator from Kansas speaks about cutting spending first. Let's tell the truth first and be done with this Republican smokescreen.

I thank the distinguished Chair, and I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota, [Mr. DORGAN].

BAD NEWS GLEE

Mr. DORGAN. Mr. President, I followed the remarks of my distinguished colleague. I, too, have been watching my colleagues rush to the floor, almost gleefully giving us another morsel of bad economic news they have gleaned from the small type of the Wall Street Journal.

We ought not to be gleeful about bad economic news. We ought to decide we are all in the same boat; there is only one boat, and we do not want it to go down. We want to fix what is wrong in this country.

But I hear this chant day after day on the other side of the aisle: Cut spending first. They learn that when they are 3 years old: Cut spending first. Every day you hear that chant. They ought to have togas and tambourines and develop it as a mantra: Cut spending first.

Strip away the costume on that chant, and what do you find? Rhetoric that covers a philosophy that would have us keep doing what we have been doing, have us not confront this country's tough problems. "Cut spending first" means doing what we have done for 12 years: spending money we do not have on things we do not need, charging it to the kids, and pretending everything is all right.

Then you have some people belly up to the bar here and say "Look. We have big problems. We have to take some risks and do some things people will not like to solve them." And the first thing out of the box, we rush off to criticize them. In this kind of environment the worst thing to do is to provide leadership. Providing leadership in this day and age in these circumstances is pretty tough.

Like or dislike what President Clinton has proposed, this President is not ignoring our problems. I have said before that there is not a plugged nickel's worth of difference between the Republican side of the aisle and the Democratic side of the aisle on how much money we want to spend. There is a substantial difference on how we want to spend that money.

I challenge any one of my colleagues: go back and get last year's budget book, sent to us by a conservative, President Bush, 15 months ago. Add up the deficits for that year, the current year, and the coming 5 years; take out the phony Social Security revenue that was used to make the deficit appear smaller. What do you have? A conservative Republican President sent the Congress a budget and said, "I've got a proposal for you: For this year and the coming 5 years, every single day I want you to spend $1 billion more than you take in."

That is not my priority. That was a conservative President's priority: deficit spending. So cut spending first? Are you kidding me? People who have the gall to say, "Cut spending first" proposed budgets placing $2.2 trillion in added debt on the shoulders of this country's children.

Of course, we ought to cut spending first, but that ought not to be a chant. That ought to be a practice, part of a fiscal policy that deals with spending, deals with taxes, and deals with the crippling Federal budget deficit. It is time to stop all the posturing, to stop exhibiting glee at bad news, and to decide we are going to create some good news by doing what is necessary.

What is necessary is, yes, to cut spending first, but also to ask those who are not paying their way to pay a little more, to start putting the brakes on a runaway Government, and to fix this crippling budget deficit. Instead of deciding we are going to beat the brow of every person who stands up and starts to exhibit just a smidgen of leadership—and I know that is unusual because no one has exhibited much leadership around here for a long time—instead of beating the brows of those who would venture forward and suggest things that might be somewhat controversial, let us decide that we welcome leadership.

Someone once said that when everyone in the room is thinking the same thing, no one is thinking very much. Let us get the best of all of the ideas that come from both sides of the aisle. That is what we ought to do for the future of this country.

I did not come to the chamber to speak on this subject, but when I hear people continue the chant of "Cut spending first "and" The other side is all wet; we are all right and you are all wrong; and if you just deal with spending, you fix the problems," I say that is rhetoric. What we need are solutions.

I yield the floor.

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

The PRESIDING OFFICER. If the Senator will withhold, the Chair recognizes the Senator from Oregon [Mr. PACKWOOD].

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

ENVIRONMENTAL IMPACT STATEMENTS

Mr. PACKWOOD. There was an interesting district court decision—I do not know if the Chair has heard about it—in which Judge Richey, a Federal District Court judge, has enjoined the President from sending to us the North American Free-Trade Agreement until an environmental impact statement is filed on the effect the implementation of the agreement might have on the environment.

Now, as the Chair is aware, an environmental impact statement is exactly what the term implies. It does not mean you cannot do something if the environmental effect is bad. It just means you have to know what the effect is. If, indeed, we were to pass a bill and there were an environmental impact statement that said if this bill is implemented the Sun is going to crash into the Earth, we could go ahead and do it so long as we understood the Sun was going to crash into the Earth if we did it.

I do not know how on Earth you can look 5, 10, or 15 years down the road and know exactly what the effect on the environment might be from a trade agreement. But if we are going to start

69-059 O—97 Vol. 139 (Pt. 10) 42

down that road then I have some other interesting thoughts. What about a nuclear test ban treaty? Does it have an effect on the environment if we do or do not do it?

Obviously, it has an effect, a significant effect on the environment.

So, we cannot submit them until we have an environmental impact statement? I have become convinced, after listening to the debate, that this reconciliation bill is going to be bad for the environment. I think we should have an environmental impact statement on this reconciliation bill before it goes into effect. It cannot help but be bad for the environment. It is going to be bad on the economy. It is going to be bad for jobs. It is going to be bad for the interest rates. It is going to be bad for inflation, bad for growth of the economy, and the deficit is going to go up.

I heard our good friends from North Dakota and South Carolina talking about $1 billion a day for interest. I will make this prediction: 4 years from now, if we pass the President's bill, whatever that may be—I am not quite sure what his bill is now, but if we pass something like this bill with the Btu tax or an 8-cent gasoline tax and his increase in taxes on the so-called wealthy, we will be borrowing more than $1 billion a day in 4 years.

The interest we pay will not go down. It will go up because of the bill. As far as this borrowing and spending, let us put things in perspective a bit.

President Reagan gets unduly, unjustifiably blamed for the start of this with his alleged big tax cuts in 1981—just cut taxes, do not worry about the spending. From time to time we forget what the economic situation was in 1980 and 1981. Let me put it in perspective.

Carter was still President in the summer of 1980. We have different groups that project what the economy is going to do. The principal ones that we rely upon are either the Office of Management and Budget, which is the executive branch agency, or the Congressional Budget Office, which is Congress' agency that projects deficits and revenues.

From the summer of 1980 until the summer of 1981, those groups were projecting that we were going to have immense surpluses. I emphasize especially the Congressional Budget Office which was then still under the direction of Alice Rivlin, currently the Deputy Director of the Budget, a Democrat and certainly no apologist for President Reagan's plans. They were predicting an immense surplus. The last budget presented by President Carter projected a surplus in 1986 of $138 billion—surplus.

But the most important projection came in the summer of 1981, July 1981, when the Congressional Budget Office projected what would be the deficit, first, on a baseline by baseline. They meant no change of law, no Reagan tax cuts, no Reagan spending cuts, just if we kept spending and taxing as we were, what would be the projected deficit or surplus? This is Congressional Budget Office, July 1981.

In 5 years, 1986, we would have a surplus, they projected, of $209 billion. Then the same group projected what it would be under the congressional budget resolution, which included the Reagan tax cuts and the Reagan spending cuts. They projected that by 1984 we would have a surplus of $1 billion and the deficit would go steadily down. But I emphasize if we got the Reagan tax cuts and the Reagan spending cuts. We never got the Reagan spending cuts. We got the Reagan tax cuts plus everything that Congress could conceivably think to add in terms of tax cuts.

Then there were three things we did not foresee. We were running 12-, 13-, 14-percent inflation, and the projections presumed that inflation would continue. In those days, the Government would collect in revenues about 1.5 times the inflation rate. So if the inflation rate was 10 percent, we could assume revenues would go up by 15 percent. We did not project the fall of the inflation. We had not indexed the Tax Code.

By indexes, I mean this: Let us say, before indexing you made $100, and your tax rate was 10 percent, so you get $90. Then let us say you had 100-percent inflation, so you needed $200 to do what $100 would do, or, after taxes, therefore, you needed $180 to do what $90 would have done before.

But let us say the tax rate was 10 percent if you had income of $100, but it was 20 percent if you had income of $200. That means without any indexing, if you had $200 of income, your tax rate was $40. You had only $160 left and you needed $180 just to keep even. So we indexed the Tax Code in 1981 after these projections so that by being pushed up into higher brackets by inflation, you did not have the purchasing power of your money reduced. That had the effect of reducing income to the Federal Government, and rightly so.

Then last, no one in the summer of 1980 to the summer of 1981 predicted the 1982 recession, not private forecasters, not public forecasters.

So you had three things that happened, in addition, we did not enact the Reagan spending cuts. You had the recession no one foresaw; we indexed the Tax Code, which we knew would cause the revenues to fall off; and nobody foresaw inflation falling from 13 to 14 percent to 6 or 7 percent in a year and 4 or 5 percent in 2 years. No one foresaw it. So you put those all together, and the result is that we had immense deficits—not because of President Reagan. That was not his planned policy. He had one thought in mind. Then I will conclude.

What he honestly saw, what we honestly saw, was that there was going to be $150 to $200 billion surplus, more money coming in than spending. What the President was afraid of, correctly in my mind, is that if we had this potful of money, we would spend it. We would start new programs, we would expand old programs. We would not give it back to the taxpayers. We would not pay off the deficit with it. We would spend it. So he said cut the taxes so the Government does not have the money. We cut the taxes. We did not cut the spending. And all the revenues fell.

What is the analogy here? In the reconciliation bill, which just passed, which I think is bad for the environment—and there should be a lawsuit to provide for an environmental impact statement on it—there is roughly, and I am rounding this off to the nearest billions, $260 billion in taxes and about $70 to $75 billion in spending cuts. We are going to have roughly $175 to $200 billion more in money than for the moment we are committed to spend, $175 to $200 billion. The President said we will use that to reduce the deficit.

This will be my question based upon past history: Will we use that $175 to $200 million to reduce the deficit, or will we say to education, to environmental protection advocates, to airport safety advocates, to Amtrak advocates, to highway advocates, who will say we need more money, will we say, tough luck, we are going to use this money to pay down the deficit? Or will we say, you have been hard pressed in the last 10 years, educators, you have been hard pressed, environmentalists, we will give you a little money to spend?

We will spend it. That is why the deficit will be bigger in 4 years. That is why the interest rates will be higher in 4 years, because we will not use any of this money to pay down the deficit. That is why I voted against the reconciliation bill. I expect to continue to vote against it. I think we are in exactly the same situation we were in 1981, assuming the projections have been right. We were projecting an immense surplus, and we wanted to cut the taxes so we could not spend the money. We are now projecting we are going to collect between $175 to $200 million more in taxes and we have immediately committed to spending more. The question is will we pay down the deficit or spend it? I think we will spend it.

That is why the reconciliation bill should not pass.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER (Mr. GRAHAM.) The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I just wanted to make the correction to the remarks of the distinguished Senator from Oregon. I noted it.

The Senator from Oregon said President Reagan has been unjustly blamed for causing these deficits.

Mr. President, I ask unanimous consent to at this point have printed in the RECORD an article by David A. Stockman, entitled "America Is Not Overspending," from the Spring 1993 issue of New Perspective Quarterly.

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

AMERICA IS NOT OVERSPENDING

(David A. Stockman, Director of the Office of Management and Budget from 1981 to 1985, during the first years of the "Reagan Revolution." David Stockman left office amid the lingering controversy caused by his revelations in the Atlantic magazine about the internal Administration politics which, Stockman said, would result in untenable deficits.

(Stockman's memoirs of those years are entitled A Triumph of Politics: How the Reagan Revolution Failed. He is currently a General Partner at the Blackstone Group, a New York investment house.)

President Clinton's economic plan deserves heavy-duty criticism—particularly the $190 billion worth of new boondoggles through FY 1998 that are euphemistically labelled "stimulus" and "investment" programs. But on one thing he has told the unvarnished truth. There is no way out of the elephantine budget deficits which have plagued the nation since 1981 without major tax increases.

In this regard, the full-throated anti-tax war cries emanating from the GOP since February 17 amount to no more than deceptive gibberish. Indeed, if Congressman Newt Gingrich and his playmates had the parental supervision they deserve, they would be sent to the nearest corner wherein to lodge their Pinocchio-sized noses until this adult task of raising taxes is finished.

The fact is, we have no other viable choice. According to the Congressional Budget Office (CBO) forecast, by FY 1998 we will have practical full employment and, also, nearly a $400 billion budget deficit if nothing is done. The projected red ink would amount to five percent of GNP, and would mean continuing Treasury absorption of most of our meager net national savings through the end of the century. This is hardly a formula for sustaining a competitive and growing economy.

The root problem goes back to the July 1981 frenzy of excessive and imprudent tax-cutting that shattered the nation's fiscal stability. A noisy faction of Republicans have willfully denied this giant mistake of fiscal governance, and their own culpability in it, ever since. Instead, they have incessantly poisoned the political debate with a mindless stream of anti-tax venom, while pretending that economic growth and spending cuts alone could cure the deficit.

It ought to be obvious by now that we can't grow our way out. If we should happen to realize CBO's economic forecast by 1998, wouldn't a nearly $400 billion deficit in a full employment economy 17 years after the event finally constitute the smoking gun?

To be sure, aversion to higher taxes is usually a necessary, healthy impulse in a political democracy. But when the alternative becomes as selfevidently threadbare and groundless as has the "growth" argument, we are no longer dealing with legitimate skepticism but with what amounts to a demagogic fetish.

Unfortunately, as a matter of hard-core political realism, the ritualized spending cut mantra of the GOP anti-taxers is equally vapid. Again, the historical facts are overwhelming.

Ronald Reagan's original across-the-board income tax cut would have permanently reduced the federal revenue base by three percent of GNP. At a time when defense spending was being rapidly pumped up, and in a context in which the then "conservative" congressional majority had already decided to leave 90 percent of domestic spending untouched, the Reagan tax rate cut alone would have strained the nation's fiscal equation beyond the breaking point. But no one blew the whistle. Instead, both parties succumbed to a shameless tax-bidding war that ended up doubling the tax cut to six percent of GNP—or slashing by nearly one-third the permanent revenue base of the United States government.

While delayed effective dates and phase-ins postponed the full day of reckoning until the late 1980s, there is no gainsaying the fiscal carnage. As of August, 1981, Uncle Sam had been left to finance a 1980s-sized domestic welfare state and defense build-up from a general revenue base that was now smaller relative to GNP than at any time since 1940.

In subsequent years, several "mini" tax increase bills did slowly restore the Federal revenue base to nearly its post-war average share of GNP. The $2.5 trillion in cumulative deficits since 1981, however, is not a product of "over-spending" in any meaningful sense of the term. In fact, we have had a rolling legislative referendum for 12 years on "appropriate" Federal spending in today's society—and by now the overwhelming bi-partisan consensus is crystal clear.

Cash benefits for Social Security recipients, government retirees and veterans will cost about $500 billion in 1998—or six percent of prospective GNP. The fact is they also cost six percent of GNP when Jimmy Carter came to town in 1977, as they did when Ronald Reagan arrived in 1981, Bush in 1989 and Clinton in 1993.

The explanation for this remarkable 25 years of actual and prospective fiscal cost stability is simple. Since the mid-1970s there has been no legislative action to increase benefits, while a deep political consensus has steadily congealed on not cutting them, either. Ronald Reagan pledged not to touch Social Security in his 1984 debate with Mondale; on this issue Bush never did move his lips; and Rep. Gingrich can readily wax as eloquently on the "sanctity" of the nation's social contract with the old folks as the late Senator Claude Pepper ever did.

The political and policy fundamentals of the $375 billion prospective 1998 cost of Medicare and Medicaid are exactly the same. If every amendment relating to these medical entitlements which increased or deceased eligibility and benefit coverage since Jimmy Carter's inauguration were laid end-to-end, the net impact by 1998 would hardly amount to one to two percent of currently projected costs.

Thus, in the case of the big medical entitlements, there has been no legislatively driven "overspending" surge in the last two decades. And since 1981, no elected Republican has even dared think out loud about the kind of big changes in beneficiary premium costs and co-payments that could actually save meaningful budget dollars.

To be sure, budget costs of the medical entitlements have skyrocketed—but that is because our underlying health delivery system is ridden with inflationary growth. Perhaps Hillary will fix this huge, systemic economic problem. But until that silver bullet is discovered, there is no way to save meaningful budget dollars in these programs except to impose higher participation costs on middle and upper income beneficiares—a move for which the GOP has absolutely no stomach.

Likewise, the "safety net" for the poor and price and credit supports for rural America cost the same in real terms—about $100 billion—as they did in January, 1981. That is because Republicans and Democrats have gone to the well year after year only to add nickels, subtract pennies, and, in effect, validate over and over the same "appropriate" level of spending.

On the vast expanse of the domestic budget, then, "overspending" is an absolute myth. Our post-1981 mega-deficits are not attributable to it; and the GOP has neither a coherent program nor the political courage to attack anything but the most microscopic spending marginalia.

It is unfortunate that having summoned the courage to face the tax issue squarely, President Clinton has clouded the debate with an excess of bashing the wealthy and an utterly unnecessary grab-bag of new tax and spending giveaways. But that can be corrected in the legislative process—and it in no way lets the Republicans off the hook. They led the Congress into a giant fiscal mistake 12 years ago, and they now have the responsibility to work with a President who is at least brave enough to attempt to correct it.

Mr. HOLLINGS. Mr. President, Mr. Stockman, President Reagan's own Director of the Office of Management and Budget, puts his finger on the real culprit. "The root problem," I quote, "goes back to the July 1981 frenzy of excessive and imprudent tax cutting that shattered the Nation's fiscal stability. A noisy faction of Republicans has willfully denied this giant mistake of fiscal governance and their own culpability in it ever since. Instead, they have incessantly poisoned the political debate with a mindless stream of antitax venom while pretending that economic growth and spending cuts alone could cure the deficit."

I yield the floor.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I ask unanimous consent, therefore, to have printed in the RECORD nine budget projections from January 28, 1980, onward; President Carter's 1980 budget through July 1981; and the CBO projection, showing a projected surplus.

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

OMB AND CBO DEFICIT PROJECTIONS

[In billions of dollars]

	1979	1980	1981	1982	1983	1984	1985	1986
1. January 28, 1980 OMB—Carter (fiscal year 1981 budget proposals)	−27.7	−39.8	−15.8	4.8	24.5	81.6	158.6	
2. February 7, 1980 CBO baseline projection	−27.7	−44	−37	−8	+34	+98	+178	
3. March 31, 1980 OMB—Carter (fiscal year 1981 March revisions)	−27.7	−36.5	−16.5	−41.5	−78.9			
4. January 15, 1981 OMB—Carter (fiscal year 1982 Budget Proposal)		−59.6	−55.2	−27.5	−8.0	32.0	84.7	138.2
5. March 10, 1981 OMB—Reagan fiscal year 1982 revision (includes estimates of Reagan tax and spending cuts)		−59.6	−54.9	−45.0	−22.8	.5	5.8	28.2
6. March 25, 1981 CBO (reestimate of Reagan's fiscal year 1982 budget revisions)			−63	−67	−59	−49		
7. July 1981 CBO (baseline report):								
a. CBO Baseline (not including Reagan proposals)			−48	−30	18	76	138	209
b. Congressional budget resolution, which includes Reagan tax and spending cuts			−58	−38	−19	1		

Note.—The conference report on the 1981 tax bill was approved by the Senate on Aug. 3, 1981 and the House on Aug. 4, 1981. It was signed by the President a few days later. At that time neither the Office of Management and Budget nor the Congressional Budget Office were predicting that the tax cuts would cause immense deficits.

Mr. PACKWOOD. I heard what David Stockman said. I do not care what somebody said. These are the figures we were working with at the time we enacted the tax cuts.

I emphasize again, President Reagan asked for spending cuts himself. He did not get them. But when people say, where are the spending cuts submitted by the Republican Presidents, the answer is he submitted them. The Congress did not enact them. In many cases the spending cuts are the so-called entitlement programs. They go on and on forever unless Congress decides to cut them back.

Mr. President, I submit that.

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

Mr. PACKWOOD. Also, when it is said you cannot cut spending, I call to the Chair's attention the circumstance out in California. California is one of the hardest-hit States in the recession. It was in the real estate boom and when prices tumbled, they tumbled. They are the biggest defense State in the Nation, and they are being badly impacted by the defense cuts. I am not arguing about the merits or demerits of the defense cuts. They are just being badly hit.

They had 7 years of drought and finally had rain this year. In the last 2 years, their general fund budget has gone from $43 billion, which is a big State budget, annually, to $38 billion. It is not even adjusted for inflation. Their spending has gone down.

I see that the occupant of the chair is the former Governor of the State of Florida, and he knows what that means when your budget is going down. Let us not have it be heard that we cannot cut spending. It can be done. California is having to do it. The reason, of course, is that they have a constitutional amendment to compel them to balance the budget. I wish we had one. We do not, but they do. They have to make their income equal their outgo. If it is not enough, they have to cut spending; and they are doing that.

I thank the Chair and yield the floor.

Mr. HOLLINGS. Mr. President, the grave misgiving I have at the present time on the present budget is all the rhetoric of saving $500 billion. I have been to the President and discussed it with him. As I alluded to just previously here in the dialog with the distinguished Senator from Oregon, we have to do more.

That brings me to the $500 billion. You do not talk about projections. The majority of the Republicans voted for that projection, and I will give you the words of their leader: "We will cut and reduce the deficit $500 billion in 5 years." Instead, we are funding a deficit of $400 billion this year.

Let us go to President Reagan. I do not have the schedule with me now, but I will be glad to furnish it in the RECORD. The Congress of the United States appropriated less than President Reagan asked for each year. If you want to allude to the Democratic Congress, it was a Republican Congress there for 6 years—a Republican Senate. So it was a mix, Republican and Democrat. Whatever, the Congress appropriated less than what President Reagan asked for.

I yield the floor.

Mr. PACKWOOD. One last comment. Mr. President, that dodge of "we appropriated less than the President asked for" is the oldest dodge in the business. Let us say Congress passes a law that says—purely for illustrative purposes—we have been giving this State $100 a month for each Medicaid patient. We will now give them $200 a month for each one. That is not an appropriation. That is an entitlement program. We say to the States of Florida, California, New York, and Oregon, we will give you x amount of money for each Medicaid patient. The President is then required to put that in his budget. It is not an appropriation. So the spending goes up. It is an entitlement.

Then to say we cut appropriations because the President might submit us a bill that has $5 billion for education, and we cut it to $4.9 billion; and to say we have cut the President's appropriations, when he had to increase his total budget because of things we forced upon him that he did not want, is ridiculous.

I yield the floor.

Mr. BAUCUS. Mr. President, I would like to get into this, too. The last statement by the Senator from Oregon is also the oldest dodge around here. The oldest dodge around here, as stated by the Senator, is that, gee, President Reagan had to essentially impose these budgets because of entitlements—whether it is Medicare or Social Security, makes no difference.

The fact is that President Reagan asked Congress every year to spend more money than Congress appropriated. If the President really wanted less entitlement spending, less spent on Social Security, less spent on Medicare, he could have asked the Congress to change the law so that Congress and the Government would be spending less on Medicare and Social Security.

But he did not do that. No. He asked the Congress every year to spend more money in entitlements and discretionary combined than Congress appropriated or passed every year. That is a fact. It makes no difference whether they are entitlements or appropriations. The fact is that in the President's unified budget, he asked Congress to spend more total money than Congress appropriated. I think it is important for the American people to know that.

I yield the floor.

Mr. HOLLINGS. 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. MOYNIHAN. 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. MOYNIHAN. Mr. President, I believe the business to come before the Senate, under the order, is S. 1003, the Fast Track Extension for the Uruguay round.

URUGUAY ROUND AND FAST TRACK EXTENSION

The PRESIDING OFFICER. The Senate will proceed to S. 1003. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1003) to provide authority for the President to enter into trade agreements to conclude the Uruguay Round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade, to extend tariff proclamation authority to carry out such agreements, and to apply Congressional "fast track" procedures to a bill implementing such agreements.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MOYNIHAN. Mr. President, it is with high expectations and good spirit that we rise today to bring to the floor a measure of large consequence, even if somewhat elusive content, to give the President of the United States the power to proceed with the Uruguay round trade negotiations, which have been underway for some 7 years now, and to bring them to a conclusion by December 15; thereafter, to be sent to the Congress. If indeed the negotiations are successful, we can guarantee that. But we tell our trading partners that—107 trading partners in this case—we wish it to be successful, and that 7½ years, 8 years is long enough for a trade agreement. Get it done by Christmas and then on to other matters.

The fact that the President may have this agreement in hand as he arrives in Tokyo for the G–7 meeting, the Group of 7 who are principal industrial democracies of the world, is hugely important. It is a fact that the industrial democratic world is in a state of some economic difficulty and political disarray, which is the only term that can be used.

This gathering in Tokyo is already being discounted. Some say nothing much will come of it. We are already beginning to hear that such are the employment problems and the political problems of the European Community and Japan that they are not interested in expanding the world trade system as we buoyantly had done for 40 years now, bringing levels of prosperity never imagined.

We have to send our President who, for all that he has the political difficulties that go with being an American President, it cannot be said that his administration is under indictment. It cannot be said that his administration is divided between two much opposed political parties. It cannot be said that the political structure of the United States is falling apart. You cannot say that he has the highest levels of unemployment since the 1930's.

That is the condition that other partners in the G–7 face. I mean, political instability—I do not want to use the term "instability"—but political volatility in Japan that has no equivalent in its postwar history.

The Government of Italy is in very grave difficulties. The Government of France is divided between President Mitterrand, a Socialist President of a country in which the Socialist Party has all but disappeared, with Mr. Balladur, a very different political party, as Prime Minister; Chancellor Kohl in a Germany pretty much preoccupied with internal problems; Prime Minister Major of the United Kingdom, in a situation of economic difficulty. That does not make in any sense for a buoyant government, much less a buoyant economy. Again, the situation in Tokyo itself is without precedent.

We want to send our President, just the President of the United States—not a Democrat or Republican—to Tokyo with the authority to negotiate in his pocket. We can do that in time, sir, when my dear friend and long-time colleague, Senator PACKWOOD, and I will move to substitute the House bill for our measure so that it can go directly from that desk to the White House and the President can have it in his pocket when he gets to Tokyo and he can take it out there and say, "Here is my commitment and agreement which will be kept."

What American Presidents have to be able to tell their negotiating partners, is that any agreement they reach will not be nibbled to death on the floor of the House and Senate. We vote it up, or we vote it down, but we do not take out this bit and put in that bit. That is why we have had the hugely successful negotiations, the Kennedy round, the Tokyo round, generally thought to be a good round. The Uruguay round can be the same.

It is a statement that we are not going to drop back at the end of the cold war into blocs, the Western European bloc, European Community, the North and South American bloc, an Asian bloc, putting up barriers, excluding each other, slowing down the growth of the world economy as you slow down the growth of the world's trade, because that will be the outcome. It has never failed, and it will happen again.

Everything we have fought against as a nation for 60 years—for 60 years ago, Cordell Hull became Secretary of State under President Roosevelt and began the multilateral trade agreements to break out of the disastrous pattern that Smoot-Hawley brought. Indeed, it was said it would cut imports one-third in 2 years' time. Indeed, it cut, almost unfortunately, one-third, but it also cut exports by one-third and the world economy began to spiral in the Depression of the 1930's. We got out with World War II, which was in no small measure brought about by economic warfare. It was simply a continuation of the economic warfare of the 1930's.

We do not want to do this and need not do it.

This bill passed out of the Committee on Finance 18 to 2. It was a very happy reappearance of the bipartisan—not that our work is not political; of course, it is political, but we do not divide along party lines. We divide, I think my friend from Oregon will agree, along lines of viewpoint, of opinion on this issue and that issue, and there is hardly ever the same specific alignment from one day to the next. But, overwhelmingly, 18 to 2, every Member of the Republican side voted for this, 9 of 11 on the Democratic side voted for it also.

Mr. President, it is good legislation. It does not do anything but enable the President of the United States to negotiate an agreement that comes back to us but says: Do so by December 15, putting the world on notice that enough time has passed.

I see my friend from Oregon has risen. I look forward to hearing from him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, let me ask a question of my good friend from New York, because it is from him I learned the word oxymoron. I think I only learned it 6 or 7 years ago.

Do I have it roughly right? It means an internal contradiction in one word or a hyphenated word where the two practically stand in opposition to each other. I think the Senator from New York once used the term "defense intelligence" as an oxymoron.

Mr. MOYNIHAN. Some journalists refer to the evening news.

Mr. PACKWOOD. So we have it roughly right?

Mr. MOYNIHAN. Right.

Mr. PACKWOOD. So I think the term "fast track" is an oxymoron. It gives the impression we are going to push an agreement through the Senate and nobody is going to hear about it, nobody is going to see it, it will go through here like lightning. Only in a process where we have been negotiating for many years can we even attach the idea of fast track, and assuming something is going out with a lick and a spittle.

It means nothing more than when a trade agreement finally gets to the Congress, it cannot be amended on the Senate floor. It does not get here in a hurry. It does not get here until the negotiators meet with all the members of the Finance Committee, the Ways and Means Committee, and, frankly, every other Member of the Congress to see what possible objection there might be. The President does not go ahead with the negotiations without consulting with us. It only means when he finally gets the agreement, and it is submitted in a timely basis to the Congress, that we cannot amend it, and you would ask why, and the why—I see the majority leader is on the floor. Does the majority leader wish to say something? I am happy to yield for a moment.

Mr. MITCHELL. Mr. President, I thank my colleague for his courtesy.

The PRESIDING OFFICER. The Senator from Maine.

VISIT TO THE SENATE BY MEMBERS OF THE DELEGATION OF THE EUROPEAN PARLIAMENT

Mr. MITCHELL. Mr. President, I am honored to have this opportunity to welcome, on behalf of the entire Senate, a distinguished delegation from the European Parliament, here for the 41st European Parliament and U.S. Congress Interparliamentary Meeting.

Led by Mr. Alan Donnelly from the United Kingdom, Mr. Jean Penders from the Netherlands, and Mr. Rudiger von Wechmar from Germany, the 25-member delegation is here to meet with Members of Congress and other American officials to discuss matters of mutual concern.

With the establishment of a single market in 1992, and faced with the many challenges of the newly emerging democracies, the European Parliament plays a pivotal role in shaping the new Europe of the 21st century. Continued relations between the European Parliament and the U.S. Congress are essential in developing better economic ties with Europe and in reinforcing our common goals.

Mr. President, I ask that my colleagues join me in welcoming our distinguished guests from the European Parliament and ask unanimous consent that a list of the members of the delegation be printed in the RECORD.

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

MEMBERS OF THE DELEGATION OF THE EUROPEAN PARLIAMENT

Mr. Alan Donnelly, Chairman (Socialist Group, United Kingdom).

Mr. Jean Penders, 1st Vice Chairman (European People's Party, Netherlands).

Mr. Rudiger von Wechmar, 2nd Vice Chairman (Liberal, Democratic and Reformist Group, Germany).

Ms. Mary Banotti (European People's Party, Ireland).

Mr. Jean-Paul Benoit (Socialist Group, France).

Mr. Neil Blaney (Rainbow Group, Ireland).

Mr. Elmar Brok (European People's Party, Germany).

Mr. Bryan Cassidy (European People's Party, United Kingdom).

Sir Fred Catherwood (European People's Party, United Kingdom).

Mr. Gene Fitzgerald (European Democratic Alliance, Ireland).

Mr. Gerardo Gaibisso (European People's Party, Italy).

Mr. Ernest Glinne (Socialist Group, Belgium).

Mr. Lyndon Harrisson (Socialist Group, United Kingdom).

Mr. Lothar Klein (European People's Party, Germany).

Mr. Christos Papoutsis (Socialist Group, Greece).

Mr. Ioannis Pesmazoglou (European People's Party, Greece).

Mr. Luis Planas Puchades (Socialist Group, Spain).

Mr. Hans-Gert Poettering (European People's Party, Germany).

Mr. Peter Price (European People's Party, United Kingdom).

Mr. Klaus Risker Pedersen (Liberal, Democratic and Reformist Group, Denmark).

Mr. Gerhard Schmid (Socialist Group, Germany).

Mr. Barry Seal (Socialist Group, United Kingdom).

Mr. Roberto Speciale (Socialist Group, Italy).

Mr. Georgios Savvos (Socialist Group, Greece).

Also participating:

Mr. Jaquim Miranda Da Silva (Left Unity, Portugal).

RECESS

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Senate stand in recess for about 5 minutes in order that we might personally welcome our fellow parliamentarians, and I believe the Senator from Oregon might like to join.

Mr. PACKWOOD. Absolutely.

There being no objection, the Senate, at 2:39 p.m., recessed until 2:45 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GRAHAM].

URUGUAY ROUND AND FAST-TRACK EXTENSION

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. I thank the Chair.

I believe I just finished a discussion with the Senator from New York about the term "oxymoron."

Mr. MOYNIHAN. May I make a correction?

As an example of oxymoron, what I meant to say—and this is from print journalists. They offer the example of television news.

Mr. PACKWOOD. There can be evening news.

So this is not something that is being rushed through on a fast track, as if a streamlined train is about to whiz by a small town.

It simply means that when the President finally finishes negotiations, after conversations with us, negotiations with us, dealings with us, pleadings from us, we will vote on the agreement that he has signed. In this case, the so-called GATT, General Agreement on Tariffs and Trade treaty, is signed with 107 nations, all of whom agree not to amend it.

Why is it necessary to have this kind of an arrangement? It is necessary for a very simple reason, and we have all learned it in politics: Those who think they are adversely affected by something are inclined to scream louder than those who benefit.

First, those who benefit do not necessarily want others to know, so they do not trumpet it.

Two, those who benefit expect it as their due and do not necessarily think they need to show any appreciation, because they had it coming to them in any event.

Whereas, those who think they have been hurt by a piece of legislation, think it is unfair, un-American, immoral, unethical, and an oxymoron. So they will do everything they can to stop whatever it is that is about to happen to them.

Now let us picture a situation with the trade agreement. What you are trying to do in negotiating a trade agreement is to lower tariffs and to lower trade barriers so that nations can trade with each other on a freer basis.

Let us use an example. The United States is very good at producing electronic generators and communications satellites. We are better in the world than anybody else in making those things. The General Electrics and Westinghouses make unparalleled generators. Other countries make communications satellites, but they cannot match our quality. So we would like to be able to sell electric generators and communications satellites in Germany, the United Kingdom, Ireland, Indonesia, and everyplace else.

Companies in those countries that make electric generators and communications satellites do not want the competition. They want to keep up trade barriers to keep our equipment out. So Presidents go and negotiate and attempt to hammer those countries and say, "We make the best of these in the world. Let our products in."

They finally say, "OK. OK, but we think we can make men's suits better than you can." Or, "We would like to have access to your textile markets. You have high tariffs. We think we can do textiles as well as you can. Let our textiles into your country and we will let your electric generators into our country."

Immediately, the electric generator people in the other country and the apparel or textile people in this country are opposed to the agreement. It does not matter this is going to mean lower priced products to people who need electric generators in Indonesia or people who need suits in the United States. The people who make those products do not want the competition.

Japan has been better at this than many, but better in some ways that we would not expect. We think of them as solely a protective society. They want to keep everything out and sell everything in the world to everybody else. And indeed they are perhaps as protectionist as many countries, although frankly not as bad as some. But Japan has also concluded they cannot do everything well.

I do not know if my good friend from New York remembers this—20 years ago Japan was in the top five in the export of textiles and apparel. Today, they are not in the top 20 in the export of apparel. They realized they could not compete in the apparel industry. It is heavily hand work and, frankly, lower wage. Textiles, however, are not. Textiles are capital intensive; textiles are produced on automated machines. Japan thought to themselves: We can do textiles as cheaply and as well as anybody in the world but we cannot compete in the apparel business in the world. And so Japan got out of the apparel business.

Take the example of aluminum. Japan used to do a lot of aluminum smelting. They wanted to be self-sufficient in aluminum. But Japan is an energy-poor country. They have no coal,

no oil, no natural gas, and very few big rivers that they could harness for hydroelectric power. Aluminum takes a tremendous amount of electricity, power. Japan, for all practical purposes, got out of the aluminum business.

When they got out of the apparel business for export and got out of the aluminum business, there were people in Japan who complained about losing jobs and letting foreigners come in and take our business. Nevertheless, Japan said: On balance we are better off to import the aluminum than make it here.

Let us take some agricultural products. If God has blessed the United States with anything, it is the capacity to farm. We have immense lands, fertile land, and by and large, good climate. We can grow wheat or rice or cherries or pears or apples, probably better than any place in the world.

Many countries in the world attempt to protect their agricultural industries. Japan and rice is a classic example. They still protect rice. We can put rice from Louisiana onto the shelves of Japan for a tenth of the price that Japan's consumers pay for rice. But rice is grown everywhere in Japan. It is grown in Tokyo. It is politically difficult for the majority party—which may or may not be the majority party much longer—to bring themselves to let down the barriers on rice. One day they will and in exchange will say: All right, if you want to flood our market with rice, you can do it better than we can. We want you to take off any limitations on our selling cars in the United States.

There was a time when that would be a fear. That would not bother me anymore. We have now become as good as they are at making cars. Our cars are as good as theirs and as cheap as theirs. It took us 20 years to learn it, but we did.

The point is, any agreement you enter into is going to have strong opposition from those who think it adversely affects them, and it is not going to have overwhelming support from those who think they are going to be benefited. Now, picture what is going to happen around the world if you are trying to get an agreement between 107 countries, all of whom must agree to the same thing. If everyone can start to pick it apart and each little industry in their country and each little interest group in each country says: I like 900 of the points in this agreement, but there are 2 I do not like; I want to take those out—if every country said that—the agreement would fall apart. You could not stand up to that kind of pressure from each country.

Here is the difference in the negotiations of these agreements. When we negotiate with a foreign country, we are usually negotiating either with a parliamentary democracy in which the majority party is the majority—when it signs an agreement, it can deliver on the agreement because they have a strong party system. You sign an agreement with the United Kingdom or with any country that has a parliamentary majority, and they will deliver.

Or we are negotiating with dictatorships. Dictatorships have a different method of persuasion, but they can deliver when they say, "We have signed it; we will perform."

I am not criticizing our form of government, but the President cannot necessarily guarantee that he can deliver on a trade agreement because it has to come to the Congress for approval. The Constitution says we have control over foreign commerce, which we do. So all the President asks is, "Gang, give me a chance. If you think I can negotiate any agreement with any country that knows as soon as it comes to Congress every group that does not like it can pick it to pieces, I cannot negotiate an agreement that will be good for the country as a whole." All this fast-track legislation allows is for the President to negotiate this trade agreement—and I want to emphasize—after negotiating with Congress, talking with us.

Things go into this agreement that are designed to placate Congress in the hopes of holding this together. He does not just do this on a wish and a hope, never talking to us, and saying: Here it is; take it or leave it. All he asks is once he has finished his negotiations with us, let alone the foreign countries, that we give the agreement a decent chance for passage. If it can be amended piece by piece, part by part, there would be no agreement, because no foreign nation would sign an agreement with us which would be bad for the consumers of this country. It would be bad for the consumers of the world. And it would be bad for every one of our export industries because it would mean that every industry that did not want any competition from anybody would be able to keep that competition out. In the long run, the world would suffer.

So I hope we pass this legislation without amendment and say to the President, and we are only giving him another few months, until mid-December: Try to bring this agreement to conclusion after 7 years of negotiations. Try to bring it to conclusion; submit the agreement to us to vote for it up or down. We can vote it down. But let us look at it as a whole as to what is good for the country. Let us not look at it and say with every single segment, every single congressional district, every single State, it must be good for every single person in every single aspect and every single place. On that basis, we never would approve it.

If we can say on balance it is good for the common, it is good for all on balance, we will pass it.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I think you see the spirit in which we bring this measure to the floor: Nonpartisan, concerned, and hopeful. We think something good is going to come out of these 8 years of negotiations. No one has been more involved, with more detailed knowledge, than my respected and learned colleague, Senator BAUCUS of Montana, who is the chairman of the Subcommittee on International Trade of the Committee on Finance. I might have to give some sense of the importance of that position, and this subject, as Senator PACKWOOD described it.

There are 20 members of the Committee on Finance; 17 are on the Subcommittee on International Trade, twice the number of any other subject, even taxation. Senator BAUCUS is an expert in this field, acknowledged in our own company and in world circles.

I know the Senator is here. I look forward to his speaking on this subject.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I first thank the esteemed Senator from New York [Mr. MOYNIHAN], chairman of the Committee on Finance. We are very lucky to have him as our chairman, guiding us through not only reconciliation and the tax bill, but here today on trade matters.

Mr. President, I stand today in support of S. 1003, a bill to extend President Clinton's authority to negotiate multilateral trade agreements under fast-track rules.

Let me say at the outset: I hope that every member of the Senate votes for this bill. Because all this bill does is give President Clinton the same ability that Presidents Reagan and Bush had to negotiate an agreement to open world trade. All it does is allow the Uruguay round negotiations of the General Agreement on Tariffs and Trade to go forward.

Let me repeat: We are voting to permit the Uruguay round negotiations to go forward. That is all we are doing.

We are not voting on the United State Canada Free-Trade Agreement—that is already law. We are not voting on the North American Free-Trade Agreement. That vote will come later in the year.

We are not voting on prospects for a trade agreement with Chile or the Caribbean basin or even Antarctica. Bilateral trade agreements are not mentioned in this request.

We are also not voting on the final Uruguay round package. We will do that sometime after April 15 of next year when an implementing bill is written for the Uruguay round. Hopefully, if it is a good agreement, we can then vote for it. But we are not being asked to do that today. We are simply voting to give President Clinton a chance to finish what President

Reagan started in 1986 in a town called Punta del Este, Uruguay. Since then, we granted President Bush additional authority so he could continue negotiations, and I think we owe our new President the exact same authority. I think we owe our vision for freer world trade another chance.

Mr. President, it was in Punta del Este that we, along with 107 other nations, began an ambitious round of trade talks aimed at modernizing the General Agreement on Tariffs and Trade, the round that would expand the GATT to cover services, investment, and intellectual property, areas it never addressed before.

I think it is important to underline that, Mr. President, because today the GATT basically only covers trade in goods, and somewhat in agriculture, but services, intellectual property, investment, textiles—those are all matters not covered by the GATT rules.

That ambitious round of negotiations was supposed to have ended in 1990, but it continues, due to delays we could never have foreseen. Perhaps we could have foreseen conflict over agriculture trade, but who would have thought that in 1986—that is, after the round began—that the Berlin Wall would crumble or that Eastern Europe or China would be seeking GATT membership by the end of the negotiations?

Clearly, the changes our world has seen have contributed greatly to the Uruguay round's delay. But now we are in a new era. In this country, we have a new President. In Geneva, there is a new Director General of the GATT. I am hopeful that in this year, 1993, the Uruguay round's ship will finally come in and it will be floating.

The fast-track request we have before us reflects the President's commitment to see a GATT deal this year. It simply asks for an extension until December 15, 1993. That is an extension of negotiating authority only. That is only 6 months away. But the Clinton administration knows that GATT stands for General Agreement on Tariffs and Trade and not, as some have suggested, the "Gentleman's Agreement to Talk and Talk." This negotiation cannot be permitted to drag on one more year. That is why there is a short leash.

Mr. MOYNIHAN. Mr. President, will the Senator from Montana yield for a question?

Mr. BAUCUS. I would love to yield to the Senator from New York.

Mr. MOYNIHAN. Are we not saying with this measure: Get it done by December 15 or that is it?

Mr. BAUCUS. Precisely.

Mr. MOYNIHAN. Some things take 7 years, but then there is an end to the process. That is what we are saying now.

Mr. BAUCUS. We are saying there has been too much process and not enough results. We are just trying to find an end to all this, and we are signaling to the world that the end is going to be in 6 months.

Mr. President, the Japanese have a saying: In all negotiations, the last inch is darkness. We are saying that last inch is no more than 6 months away. Any time beyond that is nonnegotiable, we are not going to talk about it, we are not going to deal with it. Countries will then pursue their own economic interests, they will pursue bilateral negotiations, maybe other multilateral negotiations, maybe unilateral actions. The world will have lost a great opportunity.

Mr. President, I think it is also important to state and to agree that through granting our President fast-track negotiating authority we, in the Congress, are not forfeiting our constitutiona right to trade policy.

I think it is important to remember this. Under the Constitution, under article I, it is the Congress that determines trade policy. Trade policy is not mentioned in article II, the executive article, or in article III, certainly, the judicial article. Article I states it is the Congress that determines trade policy, and Congress is now by proxy delegating to the President the authority to negotiate a trade agreement.

The Congress has the ultimate authority. The Congress is delegating that authority for 6 months under this resolution to the President. so we in the Congress are not forfeiting our constitutional rights in any way whatsoever.

We are simply giving the President our proxy. After all, it just is not practical for 535 Members of Congress to join the President on one side of the negotiating table.

We also are not forfeiting our right to consultation. Under fast track, the Clinton administration must seek our advice on the status of the round, and the President is serious about that consultation. The request before us provides for 120 days of consultation between the time a tentative agreement is reached and a final agreement can be signed. That is 30 days longer than the fast-track rule currently provides, and it goes without saying that he will consult us between now and December 15.

(Mrs. BOXER assumed the chair.)

Mr. BAUCUS. Madam President, it also goes without saying that we will watch negotiations closely because no agreement is better than a bad agreement. It is a point that we must underline and we must make very clear to our trading partners. There is no constitutional provision that requires the United States to sign any trade agreement. There is no moral authority in the world which requires the United States to sign a trade agreement. The President will only sign and the Congress will only ratify a trade agreement that is a good agreement. We Americans must not only be prepared to walk away from a bad agreement.

A good agreement will be one that goes beyond the Dunkel draft to improve intellectual property protection and beyond the Dunkel draft in the dispute settlement process. I think the United States should tell our trading partners that these are areas we must focus on.

The NAFTA agreement, signed not too long ago, has stronger intellectual property right provisions than the Dunkel draft. I think it is very important that we tell our negotiator, Ambassador Kantor, that if we can get stronger—and they are much stronger—intellectual property right provisions in the Dunkel draft, that we certainly should try mightily to do so.

I think the same would also go for our sovereignty in the dispute settlement process. Also, we need to focus on the degree to which we Americans in any Uruguay round agreement are willing to give up our trade laws. Regular section 301, special 301, which deals with intellectual property, Super 301, which I think and hope very much will be enacted by the time the round is concluded, our antidumping laws, and our countervailing duty laws. We must keep these laws because we Americans, living in the largest country in the world, with the largest number of consumers and the most prosperous consumers, must have the legislation to enable our manufacturers, enable our industries to force markets to be opened overseas. We need this so we Americans can send our products overseas so the playing field is as level from our perspective as it is from their perspective.

It is going to be a very delicate balance, but it is a balance on which we must focus very closely because I for one will not stand for a round agreement which forces us to give up or cut back significantly on our trading laws.

Madam President, I think a good agreement is also one that opens up foreign markets to additional U.S. farm exports. We must press even more vigorously than we have on European export subsidies. I do not think Europeans have agreed enough to reduce their export subsidies.

I do not want to beat a dead horse, but it is important to remember that just last year our total farm program cost about $10.6 billion. That is less than European export subsidies alone. In recent years, European export subsidies alone have been as high as $11 billion—$11 billion. That $11 billion in EEC export subsidies does not include the variable levies, the internal price supports.

I think we have to work harder to get these export subsidies down.

To conclude, Madam President, perhaps this time next year we will be voting on an agreement, and, again, if that is not a good agreement, we should not support it. But that vote, again, will be next year. It will not be

this year. Today, this year, we cast a vote on process, not a vote on substance. This is simply a vote that lets negotiations continue. That is all we are doing today.

I urge my colleagues to vote in the affirmative for this bill because I think it will strike a blow for better world trade.

I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. You have seen a display of the mastery of this subject by the Senator from Montana. Note especially his anticipation that before this session of Congress is concluded, we will have reenacted the Super 301 legislation, as it is known, that being the legislation dealing with unfair trade practices in named countries. And most especially you hear him saying we are voting today on a matter of process. We give our President not just the power to begin these negotiations but a deadline on which they are to conclude, and clear instructions. It is within our authority to instruct his negotiators—walk away from a bad agreement. We do not want any agreement at all costs. We want a good agreement. If we get a good agreement, we will approve it. And if not, not.

The authority with regard to trade is contained in article I of the Constitution. It is not mentioned in article II, nor yet in article III. We are jealous of that responsibility, that congressional prerogative and responsibility, and we are protecting it today in a manner we have done with some energy for two centuries.

I thank the Senator from Montana very much. I should like to report—the Senator from South Carolina is seeking recognition, and I will yield the floor—if I could just say we are about to reach a unanimous consent request fixing a time at which we will conclude debate on this bill and have a vote.

Madam President, I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, the great respect I have for the distinguished Senator from Montana prompts my initial comment about not having any fear about getting a bad agreement.

I have been terrified along with many, many others over the past several years of just that, a bad agreement. I have seen the urge to sacrifice the manufacturing sector of this great Nation in order to gain concessions for the service sector. And through it all we have heard the same siren song that seduced Great Britain at the early part of this century: Do not worry; instead of a nation of brawn, you will be a nation of brains. Instead of producing products, you will provide services. Instead of creating wealth, you will manage wealth; you will be a financial center. And, of course, the United Kingdom has gone to hell in an economic handbasket.

John Major came here in February and said, "We're in desperate straits." British investors are taking their moneys and investing them in my State, bless them, and around the world, losing their British middle class, losing the fundamentals of that Magna Carta—democracy. That is my fear.

As John Freeman at Harvard University wrote earlier this year in Business Week, America, too, is heading toward a class society. Because of our lack of a trade strategy, we are sacrificing our industrial backbone.

Oh, I do indeed have great fear they will come back with a bad agreement. I wish the distinguished Senator could see us all desperately jumping the U.S. Trade Representative, the President of the United States, ringing that phone, marching up there just this past Christmas because the word was out from Geneva that they were ready to sell out manufacturing in general and textiles in particular.

I speak for an industry—textiles—with no subsidy, all burden. The Senator says agriculture has an $11 billion subsidy. I think the true number is $17 billion. He says the comparable subsidy in Europe is $50 billion to $60 billion.

I would say in the textile industry we have at least $17 billion in burden when you add up minimum wage, workplace safety, OSHA, Medicare, Medicaid, Social Security, plant-closing notice, parental leave, unemployment insurance and so on.

Oh, it is a favorite pastime of Members of Congress to speak from the floor about how concerned we are—and we are concerned—about individual working men and women, and then we lecture the industrialists: Come in off the golf course and get competitive.

The psychologist from Oregon, I really was fascinated with the Senator from Oregon's talk a little while ago on the psychology of various industries or businesses.

The distinguished Senator from Oregon said Japan discovered it could not produce textiles. Japan was the leader 20 years ago. Now they are not in the top 20 because they could not compete in the apparel business.

They did not get out of that business at all. They are very fascinating and astute manufacturing planners and trade strategists. If you have ever traveled down into Thailand and Indonesia, there you will see the Japanese apparel industry. Oh, yes. All of that investment down in Indonesia and Thailand is Japanese investment. They use that as their offshore manufacturing and export platform, which is a very wise thing.

I have advocated much the same thing with Mexico. Let us reassign to Mexico 20 percent of the textile quota we now give to the People's Republic of China. I have no use for the slave labor in China we are having to compete with. Similarly, take 20 percent of the shoes from Korea, 30 percent of electronics from Taiwan, and the hand tool industry, a good portion of that, from Japan, and assign that down to Mexico as our export platform. We can learn how to play the game.

But the distinguished Senator from Oregon talks about this as a psychological thing. Japan did indeed move more adroitly and more competitively. They know exactly what they are doing.

Now let us examine fast track. They say fast track is an oxymoron, that the GATT agreement will not go through the Senate lickety-split. I disagree. That is exactly how that agreement will go through here. You will get some rhetoric, but no amendments. And the vote will be fixed and everybody knows it. The media knows it, the press knows it, the Congress knows it. They will not submit the agreement until the vote is fixed. Fix the jury before you try the case. Maybe that is why I like this better than practicing law. You go to jail for trying to fix a jury. But you win big bucks by fixing this jury up here in Congress.

It is said the Senator from Montana is restricting the President. Nonsense. We are restricting ourselves with fast track. We are not restricting the President. We are fixing it for the President. This is a fix.

The Senator from Oregon says you can vote it down. Not likely. They have gotten it passed every time. I tell you here and now, I will vote against fast track but I have agreed to offer no amendments. I will refrain from amendments because I have obtained at least part of the assurances I wanted from the administration, and a letter from the Special Trade Representative, the Honorable Mickey Kantor.

But the problem we have now, and the argument we hear is that we have to arm the President, make the President strong so he can go to the G-7 summit in Tokyo and say: I am here, I have fast track authority, and I can negotiate. Let us negotiate. Who is kidding whom?

Pick up the morning paper. Let us see how strong the President has become.

"President's popularity continues to weaken." I am a Democrat. I am for President Clinton. I take no pride in that headline.

But there are 100 law, lobbying, and consultant firms representing Japan. You look at Pat Choate's book, "Agents of Influence," and you will see them listed there, $113 million annually they are paid. By contrast, the total salary of 535 Members of Congress, 100 Senators and 435 Congressmen, is only $68 million. And our pay is frozen. This lobbying crowd is going to

get a big increase in pay. Do you know why? All 100 lobbying firms got on the line this morning and called Tokyo, and they said, "The President is coming for the Tokyo round. But he is weakened, and don't worry about it. Don't give him anything. He is begging for an agreement. He is trying to increase his credibility, improve his stature; strengthen his popularity. But don't give in. The President is at an all-time state of weakness."

So we sit around here and think we are strengthening the President's hand when this crowd that is really in control is weakening the President's hand and making big money doing so.

That is the dilemma we find ourselves in. Yes. Article I, section 8 says not the President, not the Supreme Court, not the special Trade Representative, not the Economic Policy Council shall regulate foreign commerce. No, the Constitution speaks very clearly: "The Congress of the United States shall regulate foreign commerce." And I speak as the chairman of the Commerce Committee, what used to be called the Foreign Commerce Committee, yet in the same breath I say I have hardly anything to do with foreign commerce.

The one entity that effectively does not have anything to do with trade strategy, approval or disapproval, is under the Constitution charged with full responsibility: the Congress of the United States. Yet we have abdicated that responsibility. We give it a lot of rhetoric and cite a few statistics that the staff gives us to try to demonstrate some erudition and knowledge about trade policy. But the truth of the matter is Washington has had a defeatist trade policy for many years now and a total sell out during the past 12 years with the chant: Free trade, free trade.

There is misgiving. I might as well say it. My misgiving is President Clinton was elected on the promise of change. My misgiving is that he is adopting all the key Bush policies. We have the Bush Haitian policy. We have the Bush Bosnia policy. We have the Bush Somalia policy. We have the Bush Iraqi policy. We have the Bush economic policy of $500 billion in deficit reduction, just as in the 1990 budget agreement.

Now we have the Bush trade policy toward Mexico, and with this GATT fast track. I want the change that was promised. I ran in that same election. We were going to change things. We were going to get a competitive trade policy.

The executive branch has had 8 years with fast track authority and have done nothing with it. Come on. It is silly to argue we need fast track for GATT or an agreement will be impossible. If we in Congress can look at a $1.5 trillion budget with 13 different bills, multibillion-dollar appropriations bills, and debate them here with 535 Members and get together, and get it passed, then surely we can get the 100-plus nations of GATT to come to agreement.

The distinguished Senator from Montana says, if GATT collapses, other nations will start trading with themselves, making their own trade agreements, and they will start splitting off into blocs. Who is kidding whom? We are already in blocs. We saw the Pacific rim go the way of MITI with orchestrated trade. My good friend, Freddie Chin from Taiwan went home to take charge of Taiwan's MITI. He organized a MITI for Taiwan. They got a MITI in Korea. We cannot sell textiles in Korea unless the textile industry of Korea has a vote and allows us into Korea. And they have a super MITI in Japan. That is the Pacific rim. Yet here we keep hollering about special relationships like a bunch of children.

Let us change this Bush policy of fast track and irresponsibility and the downtown lobbyists' fix. That is exactly what we have going on here.

We also have the European Community, the other bloc. So the present policy is: Let us get another bloc, the North American bloc. We call it the North American Free-Trade bloc. So we have the North American bloc, European Economic bloc, and the Pacific rim bloc. So we have already got blocs. But they all act like there is a bogeyman out there, the threat of economic blocs. But the real bogeyman has been our own indolence and passivity and lack of dedication to our constitutional task of regulating foreign commerce.

We did our job in the early days. Mr. President, it is always good to quote the Founding Fathers, because, yes, put me down as a protectionist. That is what I am. I am a protectionist. And I'm in good company because that's what our Founding Fathers were, too. They read about the theory of free trade, the David Ricardo notion of comparative advantage, from the mother country. In the earliest days, Great Britain, after we won our freedom, said: You little fledgling democracy, you little country, you should trade with us the raw materials that you produce best. There will be no tariffs or barriers. Free trade, free trade. And we will trade back with you the manufactured goods we produce best. There will be no tariffs; there will be no barriers. Free trade, free trade. The doctrine of comparative advantage.

Alexander Hamilton wrote a booklet called "Report on Manufactures." To paraphrase his response to the British, he said: Bug off, we are not going to remain your economic colony.

The first act of this wonderful Congress that we serve in was legislation to describe the taking of the oath of office.

The second act, on July 4, 1789, was a protectionist measure, a tariff bill with a 50-percent tariff on 30 articles—iron, textiles, going right on down the list. And we built up this economic giant with protectionism. Let us not forget Madison's observation:

> It should never be forgotten that the great object of the Convention was to provide, by a new Constitution, a remedy for the defects of the existing one; that among these defects was that of a power to regulate foreign commerce; that in all nations is regulating power to embrace the protection of the manufacturers by duties and restrictions on imports.

So we now go the way of losing the American middle class because we are bartering away our intellectual property. The Japanese are buying up Hollywood. The distinguished Presiding Officer knows better than I, but I can tell you now that intellectual property, which we rejoice in, is now being bought out.

The big banks, that is what is driving NAFTA. They want their billions back from Mexico. They couldn't care less about U.S. jobs.

We must not forget that the textile industry is the largest employer of women and minorities. Yet in textiles, they have lost 400,000 jobs in the last 12 years. We lost 51,000 jobs in Charleston last weekend because of base closures, and if we go with tariff cuts and the phaseout of the MFN, with Uruguay Round fast track, we are going to lose, we know. 1.1 million jobs across the country.

In talking about fast track and the failed case for NAFTA, Jeff Faux says:

> The assertion that "most economists" believe that more unrestricted trade with Mexico will be good for everyone in an unspecified "long run" goes unchallenged. As does its increasingly shrill implication: that those who oppose NAFTA are simply ignorant of economics or, as some would have it, somehow "against Mexico."

That is the atmosphere in which this blooming thing is being debated. I make a talk for Mexico and a Good Neighbor policy, and we can get a good one if we work together. But Lester Thurow says, "Free trade agreements have never worked; common markets work." He is the best of economists, a genius, in my opinion. He said that free trade agreements have never worked. Now when we get hot for fast track, the whole idea is to get an agreement, get a time certain, cut off debate, not be heard, and not have any amendments.

Well, I said yesterday in the party caucus that I intended to have two amendments. One amendment addressed the need to set down the principles and goals. I respect and congratulate the Finance Committee, because they did just that. They debated and decided on very worthy goals, and in a letter on June 23 to the President of the United States—I ask unanimous consent that the letter be printed in the RECORD at this point.

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

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, June 23, 1993.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: The Committee on Finance has closely monitored the progress of the Uruguay Round negotiations since they were launched at Punta del Este in September 1986. As you know, the Congress set forth the principal negotiating objectives for the Round in the Omnibus Trade and Competitiveness Act of 1988. These have been, and will continue to be, the overall benchmarks against which we will measure the outcome of these negotiations.

Since then, however, the negotiations have evolved and the issues have become more clearly defined. In particular, in December 1991, GATT Director General Arthur Dunkel tabled his "Draft Final Act," the document which has since become the basis for much of the negotiations.

It is therefore appropriate, as the Congress considers the President's request to renew negotiating authority and "fast track" procedures for the Uruguay Round, to consider once again our goals and objectives in light of the specific issues raised, or left unaddressed, in the Draft Final Act. We set forth below the views of the Committee on Finance on the goals it believes the United States should pursue with respect to eight key areas of the negotiations. It is the Committee's intention to review any final Uruguay Round agreement against these objectives, as well as the objectives set forth in the 1988 Trade Act.

First, as negotiations on market access move forward in anticipation of the July meeting of the leaders of the Group of Seven countries, the Committee reaffirms its longstanding belief that the Uruguay Round must result in more open, equitable, and reciprocal access for U.S. exporters of goods and services. With respect to manufactured products, the United States should seek an agreement that will substantially reduce tariff and non-tariff barriers to U.S. exports and eliminate tariffs where our private sector favors such an action and significant trading partners concur.

In the negotiations on services trade, the United States should seek substantial market access commitments that provide for national treatment, right of establishment, and equivalent competitive opportunities for our firms; countries that fail to make such commitments should be denied the benefits of the services agreement. In addition to a substantial reduction in existing trade barriers, the Round should also establish rules to prevent countries from erecting new ones.

Market access is also an important objective in the negotiations on agricultural trade, where we should seek to obtain meaningful commitments that will expand export opportunities for U.S. producers. In addition, we should aim for significant reductions in export subsidies and in farm support programs that distort world market prices by promoting overproduction and dumping of excess production on the world market. We should also ensure that unjustified sanitary and phytosanitary measures are disciplined, while preserving our right to maintain legitimate measures to protect health, safety, and the environment.

The government procurement negotiations also provide an opportunity for greater market access for U.S. firms. In addition to seeking to reduce barriers in foreign markets, the United States should work to expand the coverage of the Government Procurement Code and improve the fairness and transparency of administrative procedures.

The Committee continues to believe that the United States should seek a stronger GATT dispute settlement mechanism that will ensure, within set timeframes, the prompt and effective enforcement of our rights. At the same time, we must retain the ability to use our trade laws to remedy trade agreement violations and address the unfair trading practices of our competitors. In that connection, the Committee believes that dispute settlement panels hearing challenges to our antidumping or countervailing duty actions should be precluded from substituting their own judgment for the judgment of the U.S. International Trade Commission, the Department of Commerce, or U.S. courts.

The Committee strongly believes that our antidumping and countervailing duty laws must be preserved as effective tools for fighting unfair dumping and government subsidies. We are concerned, in particular, with the provisions of the Draft Final Act on standing, cumulation, cost and profit methodologies, *de minimis* exceptions, non-actionable subsidies, and the termination of antidumping and countervailing duty orders. We should seek stronger disciplines against export and domestic subsidies (including equity infusions, and natural resource and regional subsidies), as well as effective measures to prevent circumvention of antidumping and countervailing duty orders and diversionary dumping. At the same time, we should work toward greater transparency in the antidumping and countervailing duty actions taken by our trading partners, as well as a clarification of substantive rules and stronger procedural standards to prevent the misuse of these rules against U.S. exporters.

In the intellectual property negotiations, the Committee believes that our overarching goal should be an agreement that provides adequate protection and effective enforcement of all forms of intellectual property rights. We believe, however, that the Draft Final Act is deficient in several respects. The transition periods, particularly as they apply to developing countries, should be shortened. The agreement should provide for pipeline patent protection for products subject to pre-market regulatory review. The rules regarding the use of compulsory licenses should be strengthened. And the agreement should fully recognize contractual arrangements and transfers, and provide for comprehensive national treatment for U.S. owners of intellectual property rights.

Finally, in the textile and apparel negotiations, we believe that the United States should ensure that all countries provide equitable access to their domestic markets and that measures are put in place to prevent such trade-distorting practices as transshipment, false declarations, smuggling, and other forms of trade rule circumvention. In addition, we believe strongly that any country that does not adhere to the overall Uruguay Round agreement should not benefit from the phase-out of the Multifiber Arrangement (MFA). We also urge you to take into consideration, in any negotiations on textile and apparel tariff reductions, the significant trade-liberalizing effect of the phase-out of the MFA, as well as the impact on employment.

We urge you to keep these objectives, along with those in the 1988 Trade Act, in mind as you work to conclude the Uruguay Round by the end of this year. We look forward to working with you as these negotiations move forward, and stand ready to provide whatever assistance or advice you may find useful.

Sincerely,

DANIEL PATRICK MOYNIHAN,
Chairman.
BOB PACKWOOD,
Ranking Member.

Mr. HOLLINGS. In a bipartisan fashion, the distinguished chairman, the Senator from New York, and the distinguished ranking Member, the Senator from Oregon, wrote President Clinton and said here are our particular principles, our policies, our goals, with respect to trade. It is very, very clear. It includes noteworthy goals and precepts. But it did not mention 301, Super 301.

I acknowledge in the same breath that the distinguished Senator from Montana is the original author of Super 301. It is under the jurisdiction of our great Finance Committee, and I understand that he had urged it at one time, but in the spirit of cooperating with the full committee, he later said we would go without amendments. I differed and still differ in a sense. As they say, "A man convinced against his will is of the same opinion still."

But I am a realist. And if I could get out of the administration a commitment, if I could get out of the particular leadership here a commitment, then I thought maybe we could proceed and accomplish the same thing.

So I want to amend, and my amendment would express that:

It is the sense of the Senate not later than December 15, 1993, amendments to section 310 of the Trade Act of 1974 should be enacted to establish the permanent requirement that not later than April 30 of each year, the United States Trade Representative shall identify trade liberalization priorities under Super 301.

The Senator from Michigan, [Mr. LEVIN] was anxious that we cite the fact that he and the distinguished Senator from South Dakota [Mr. DASCHLE] are cosponsors of a fortified 301. President Clinton in the campaign talked about a strengthened Super 301, and I agree. And the Senator from Michigan agrees.

I would hope that we can get that resolution up for enactment, and I thought most assuredly all the colleagues would be for it; that this particular sense-of-the-Senate resolution has been prepared and in print by the distinguished chairman of our Finance Committee; the Senator from Montana; myself; the Senator from Michigan, Senator RIEGLE; and the Senator from South Dakota, Senator DASCHLE.

I understood there was some objection to bringing up the resolution. We have to move on, and it is not my idea to filibuster or delay. But certainly I want to air this particular responsibility that we have here in the Congress on the regulation of foreign commerce.

So I had hoped that we would put this sense-of-the-Senate resolution up very promptly and vote it through. I

have been assured by the majority leader that he would call it for consideration. If the other side wants to debate and filibuster when we call it, then we will know at that particular time.

The point has been made and will be made by calling it, and we will see if we can get a vote. Maybe they will filibuster it if they think it is that important.

But, in any event, I have what they cannot prevent, and that is a solemn commitment from the distinguished U.S. Trade Representative in the Executive Office of the President. In talking to Ambassador Kantor, I asked him, because I admire him and have been a friend of his over the years, "Mickey, can you bind the President of the United States?" He said, "Absolutely." I said, "Why do we not do it this way? Why do we not go to page 2, the bottom paragraph, with respect to the antidumping and countervailing duty laws. I want those strengthened."

That is exactly what Ambassador Carla Hills, the U.S. Trade Representative under President Bush, had promised but was weaseling out of at every particular turn. And we know we have had our representative in the committee there watching it, and I did not want that duplicated again.

If we could enforce our dumping laws, we would not need a textile bill. Six times since I have been a U.S. Senator we have passed a textile bill. And each time, I say and I say again that there is no need, if we would just enforce our bilateral agreements. But we never have enforced those agreements, and certainly we do not want to weaken those agreements or our antidumping enforcement provisions, our countervailing duty laws.

So the commitment of the Finance Committee is very clear. The committee strongly believes that our antidumping and countervailing duty laws must be preserved as effective tools for fighting unfair dumping and Government subsidies.

We are concerned in particular with the provisions of the draft final act on standing accumulation cost and profit methodologies, de minimis exceptions, nonactionable subsidies, and termination of antidumping and countervailing duty.

We should seek stronger disciplines against export and domestic subsidies, including equity infusion and natural resources and regional subsidies, as well as effective measure to prevent circumvention of countervailing duty orders and diversionary dumping.

At the same time, we should work toward broader clarification of actions taken by our trading partners, as well as a clarification of substantive rules and stronger procedural standards to prevent the misuse of these rules against U.S. exports.

I asked Ambassador Kantor if he agreed to that paragraph, and he said absolutely.

I ask unanimous consent that the entire letter from Ambassador Kantor, dated June 29, 1993, be printed in the RECORD.

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

THE U.S. TRADE REPRESENTATIVE,
Washington, DC, June 29, 1993.

Hon. ERNEST F. HOLLINGS,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR HOLLINGS: I appreciated the opportunity to meet with you yesterday to discuss the Administration's trade policy objectives and the importance of Congress giving the President the fast track negotiating authority for the Uruguay Round before he goes to the G-7 Summit in Tokyo.

I understand how committed you and many other members of Congress are to Super 301. The Administration believes that Super 301 has been a valuable market opening tool, and we support the reenactment of a Super 301 provision. Our opposition to putting Super 301 on the fast track legislation has reflected our desire for a clean fast track bill, which would be enacted by Congress before the summit, and we have opposed all amendments. We will, of course, work with you and other members to fashion an effective Super 301 provision to be added to an appropriate vehicle later this year.

I am aware of your concerns that a Uruguay Round dispute settlement agreement might undermine our ability to effectively utilize Section 301. We will not, however, negotiate the elimination of Section 301 and have made that clear to our negotiating partners. We believe that Section 301 is necessary to identify and enforce U.S. rights even where GATT rules apply. Moreover, where a foreign unfair practice is not covered by multilateral rules, we will continue to use Section 301.

The Administration is also committed to seeking a Uruguay Round agreement which preserves our antidumping and countervailing duty laws as effective remedies against unfair trade practices. We share Congressional concerns about certain provisions of the Draft Final Act, including those relating to antidumping methodology, non-actionable subsidies, and termination of orders, and will work vigorously to improve these provisions. We will also work to obtain more effective disciplines against export and domestic subsidies as well as effective measures to prevent circumvention of antidumping and countervailing duty orders and diversionary dumping. Furthermore, we will seek clarification of rules and procedures to prevent misuse of other nations' antidumping laws against U.S. exporters.

Sincerely,

MICHAEL KANTOR.

Mr. HOLLINGS. I thank the distinguished Chair.

Ambassador Kantor says in this particular letter here, with respect to the antidumping:

The Administration is also committed to seeking a Uruguay Round agreement which preserves our antidumping and countervailing duty laws as effective remedies against unfair trade practices. We share Congressional concerns about certain provisions of the Draft Final Act, including those relating to antidumping methodology, non-actionable subsidies, and termination of orders, and will work vigorously to improve these provisions. We will also work to obtain more effective disciplines against export and domestic subsidies as well as effective measures to prevent circumvention of antidumping and countervailing duty orders and diversionary dumping. Furthermore, we will seek clarification of rules and procedures to prevent misuse of other nations' antidumping laws against U.S. exporters.

Now, Madam President, this comes from a good California lawyer, and I had another California lawyer look at it. He thinks that is a California final paragraph. I asked why. It is word for word what they said in paragraph 2, the final paragraph on page 2 of the Finance Committee letter.

I said, "Mickey's word is better than any wording. I am not going to be fussing about California law, and not quoting word for word."

I know he is sincere. I was sincere. We were not playing games. We had both ideas in mind: Not to be part of a legislative or congressional snarl here, and to get on with the business at hand.

So I am satisfied there with Ambassador Kantor's word. He says here, and I quote from the letter:

I understand how committed you and many other members of Congress are to Super 301. The Administration believes that Super 301 has been a valuable market opening tool, and we support the reenactment of a Super 301 provision. Our opposition to putting Super 301 on the fast track legislation has reflected our desire for a clean fast track bill, which would be enacted by Congress before the summit, and we have opposed all amendments. We will, of course, work with you and other members to fashion an effective Super 301 provision to be added to an appropriate vehicle later this year.

And he goes on to talk about "section 301 is necessary to identify and enforce U.S. rights even where GATT rules apply."

And he would agree not to weaken at any point our ability for the enforcement of Super 301.

So the letter is in the RECORD. And I am very much comforted that we made that a public record so when the Washington lawyer calls his counterpart who is retaining him in Tokyo, and says: Do not worry about the President, he is in a weakened political state; and do not agree to it; and you can shove 301 down—tell him to forget it, and walk away from the table—he might walk away from the table, but he cannot walk away from the Congress. I do not think he will walk away from the President.

I think Ambassador Kantor's word is just as good as the President's word. So we have that clear understanding with respect to Super 301 and with respect to antidumping.

Now, Madam President, with respect to trade, I cited the Constitution in the early days, how we started out building this industrial giant. President Lincoln continued that buildup. The contention

was, in the days during the Civil War, building the transcontinental railroad, that we ought to get the steel from Britain. And Lincoln said no, we will build the steel mills, and when we are through, we will not only have the railroads, but we will also have the mills.

And, of course, President Roosevelt, with respect to the matter of trade, gave us not only the tools and institutions for an economic recovery, but social justice, as well. And he is the one that started the price supports with respect to agriculture that we all support.

Agriculture, incidentally, is a showcase. They have a plus balance of trade. That is canceled out by our negative balance of manufacturing trade, I say to our distinguished chairman, because he has been a leader and knows way more about the garment workers in downtown New York than anyone, and knows way more about labor than any other Senator in this body, and has served in that particular department of our Government.

And what happens is that we have really lost out with respect to jobs in the textile industry, over 400,000 U.S. jobs. And we continue to lose. From the days immediately after World War II, that rationale was, "Look, in recovering from war and having the only industry, what do you expect them to make? Let them make the clothing and the shirts and the trousers and the shoes and we will make the computers and the airplanes."

I tell you here and now what bothers the Senator from South Carolina is the Europeans are making the airplanes and the Asians are making the computers. And we have veritably lost—and when I say that we have lost our industrial backbone, I want to refer to a listing of imports penetration statistics.

For example, import penetration figures show that over half of the semiconductors used in the United States are now imported. Nonrubber footwear, 86 percent imported; telephone equipment, 86 percent.

I remember I competed with Luther Hodges of North Carolina. He got Western Electric down to Durham. I recently saw that plant relocated in Singapore. It moved out of North Carolina. He won out, but only temporarily.

Incidentally, I won Eastman Kodak for South Carolina. And Eastman Kodak has now announced a purchase of a similar Eastman plant down in Mexico. They are building one down there and they are reorganizing that particular plant into a separate corporation. And you can bet you boots they will spin it off here in the next 2 years if you get NAFTA. So while Luther lost his Western Electric, I risk losing my Eastman Kodak. That worries me.

The majority of machine tools, 57 percent of those used in the United States, are now imported; 35.8 percent of the automobiles; 82 percent of the motorcycles; 100 percent of the black-and-white TV's; 100 percent of the consumer radios; 62 percent of ferro-alloys; 45.5 percent of crude oil; 59 percent of musical instruments; 71 percent of toys and games; 90 percent of 35-millimeter cameras; 62 percent of photofinishing equipment; 99 percent of watches; 66 percent of textile apparel; 100 percent of VCR's; 100 percent of flat panel displays. And I could go on and on, electronics, right down the list.

Now, if you have been in the trade game since that testimony back in 1959 as a State Governor, and in the work during the fifties when I testified, you can understand the strength and feeling of this particular Senator on this issue. The truth of the matter is that we are the architects of our own folly, in that, yes, it worked; our post-war strategy for rebuilding the economies of Europe and Japan was a huge success.

At the end of World War II, Madam President, what we did was institute the Marshall plan. And we all should get down on our knees and be grateful. It works, because we have seen the demise of communism and the rise of capitalism.

And watching it as it has developed, we taxed ourselves—for that no-tax crowd over there on the other side of the aisle and that read-my-lips hangover that still persists, I say listen up. We had a different country dedicated at that particular time, and we taxed ourselves $850 billion.

To do what? To finance the economic recovery of our competition. To do what? To send over our technology. To do what? To send over our expertise and tell them how to set it up.

U.S. companies went over there in the Pacific rim and found out they could produce more economically there. They did not have that Congress bunch running after them with plant closing notice, parental leave, workplace safety, Social Security, Medicare, Medicaid, EPA, minimum wage, and up, up, and away.

They could breathe, and say, "Well, we got over here and we sure don't have a Congress to worry about. We can get a guaranteed profit."

Now, that is the way business works. Business is business. That is the way I wish I could run, on a guaranteed vote. They love to run on a guaranteed profit.

And as they went into these foreign countries, those governments, instead of burdening them, protected them. And as they protected them with guaranteed profits, the nationals became multinationals with the help of the big banks, City Corp, Chase Manhattan, Bank of America, and so on.

And that crowd, incidentally, became multinational, too. As of 1977, the majority of money-center bank profits were beginning to be made outside of the United States, rather than in the United States. They are very astute operators.

And, of course, they banded together in think tank groups, most prominently the Trilateral Commission.

If you ever run for President, you get very wonderful, embossed invitations from the Council on Foreign Relations and the Trilateral Commission, and you get the coffee and fine china, and, man, you are really a high muckety-muck.

And then what they do is get you to swear on the altar of free trade an undying loyalty and support—free trade, free trade. That is all they want. And they co-opt every one of these young Senators that want to run for President.

And so you have now the multinationals, you have the banks, then you have the think tanks all financed by the Japanese.

There is a fine study made by Sara Jacobson about the selling of America, about how the Japanese and others have used contributions to buy influence and control of colleges, think tanks, and prominent individuals in the United States.

And so it is with the retailers. Every time we have debated, for example, our textile bill, we have gone down to Bloomingdale's and gotten a lady's blouse, one made in New Jersey and one made in Taiwan, both sold for $32. We have gone down to Herman's and we have gotten a baseball glove, one made in Korea and one made in Michigan, and they are both retailed for $42.

My point is, the retailer is not selling at a lower price on account of the lower-cost product imported into the United States. On the contrary, whoopee, he is making a bigger profit by selling the imported good at the same price as the domestically produced good. So you have the retailers that are joined in the cabal.

Then, of course, if you have ever had any experience in politics—I will never forget a friend of mine who was really getting savaged by a particular series of editorials down in my own hometown. So I enlisted a good friend of mine, Eddie-Boy Cromsberg. He owned Edward's 5 and 10 Cent Store. He was the biggest advertiser in that local newspaper. And I said let us see if we can pressure the newspaper to ease up. Eddie-Boy and I went down and we allowed how we were really concerned about this particular friend and could they not loosen up on their attacks. Of course the message was there. Here was the biggest advertiser. He does not ask for any favors, he is paying the way of the newspapers.

I put in the RECORD 3 years ago the facts from the Washington Post's annual statement where they made $1 billion; $800 million, 80 percent of their profit, was from retail advertising. So

that is what determines the Post's editorials. They parrot the party line of free trade, free trade.

Also part of the cabal are the lawyers, the paid lobbyists downtown, the State Department, and of course the foreign producers. When you get the consultants and lawyers that are paid to represent, including former top officials of the Office of the Special Trade Representative—all of them listed in the book Agents of Influence by Pat Choate. They made money after they had fulfilled their role as Special Trade Representative. They joined the other side.

Who is leading the charge right now for NAFTA, for Mexico? Former U.S. Trade Representative, Ambassador William Brock.

Worried? He might not be worried. This Senator has been worried to death, because I watched the trend. As they supposedly negotiate for our best interests, when they come back I continue to lose my shirt—literally and otherwise. Then our Trade Representatives quit to join the other side. It is as if General Schwarzkopf crossed over and headed up the defense of Baghdad.

Come on. Who is going to sit down here and lay it on the line so we will all understand the reasons for our lack of a trade strategy? When you get that cabal going, then, yes—then they can fix the vote. And they do not bring up that trade agreement until all 100-lawyer firms have made their contacts with their little individual Senators, and all the chits have been called in, and they have a little list and they check you off. And once you are checked you are in on the fix.

This Senator is not in on the fix. On the contrary, I have had an education from colleagues on the other side, trying to clear up the record. Again and again, they write in those editorials a veritable drumbeat about Smoot-Hawley, Smoot-Hawley, Smoot-Hawley. That is all they talk about time and time again.

The truth of the matter is that two-thirds of the trade under Smoot-Hawley came into this country, two-thirds of the imports into the United States, came absolutely duty free. Otherwise it affected less than 1 percent of our economy. Thanks to Smoot-Hawley, by the year 1933, under Cordell Hull we had reciprocal free trade, we had a plus balance of trade and we moved on.

I wish I had the full record made by the distinguished late Senator from Pennsylvania, Senator John Heinz, because he and I discussed this many times and he articulated the best record, I thought, on this particular matter. But there is a recent book out now, used, fortunately, in colleges, "Conflict Among Nations; Trade Policies in the 1990's."

I read from page 574:

The percentage increase in the ratio of duties calculated to dutiable imports under Smoot-Hawley (32 percent) was only half that which had been put into effect by the Fordney-McCumber Tariff Act of 1922 (over 60 percent). Even after enactment of Smoot-Hawley, two-thirds of all U.S. imports (in value) entered the U.S. duty free.

Reading on:

Britain instituted increased tariffs in 1915 (McKenna Act) and again in 1921 (Safeguarding of Industries Act) which placed 33⅓ percent ad valorem duties on all products alleged to be vital to national defense. France, Italy, India and Australia all increased tariffs significantly before Smoot-Hawley was enacted. Concededly, Smoot-Hawley did prompt some retaliatory action (Switzerland increased duties on watches) but it does not deserve the watershed status it has acquired in American economic mythology.

I quote once more again:

It does not deserve the watershed status it has acquired in American economic mythology.

In almost 27 years I have to read time and again how we are protectionist and we are going to start another Smoot-Hawley. The truth of the matter is we ought to take a lesson from FDR. Roosevelt, in the days of the Depression, in order to keep the banks open, closed the doors. In order to save the farms, he plowed under the crops. Likewise, today, in order to remove a barrier, tariff or nontariff barrier, we must first raise a barrier and then we will remove them both. Market—m-a-r-k-e-t—market forces operate. Only when we make it in the interests of a particular nation to deal, then they will deal.

On that particular point I emphasized—as I did to Ambassador Kantor, to Mr. Robert Rubin, to Mr. Bo Cutter, and others on the National Economic Council, and to the President: I do not bash Japan. I bash us. I bash Washington.

In 1981, the United States of America had a deficit in the balance of textile trade of $4 billion. The European Economic Community had a deficit in the balance in the textile trade of $4 billion. Today, the deficit in the balance of textile trade for Europe is less than $1 billion; ours, the United States deficit in the balance of trade is $29 billion. The difference is that the Europeans fought back and demanded fair trade, we did not.

Distinguished Senator, you have to work harder; you have to, "I think I can, I think I can, I thought I could," like the Senator from Oregon told me, like the little train going up the hill. I had to listen to that the last time we debated textiles, "I think I can, I think I can, I thought I could, I thought I could." "Try harder." It is insulting to say that to the most productive industry, textiles. Who won the Baldrige Award? Milliken in South Carolina. Who comes to look to Milliken's productivity? The Japanese.

So we are not talking about little children's books of, "I think I can," and "The Little Engine That Could." We are talking about real life, making a living, and those out of a job.

I have watched it over the years. We continue to lose because we continue in the national Congress, that entity charged with the constitutional responsibility—we continue to abdicate that responsibility.

And when they get it into the committee, worthy Senators who want to offer amendments are talked down—"Don't offer any amendment." Certainly, it is not this Senator who is trying to upstage. I acknowledge the leadership that we have, the chairman and the ranking member and other distinguished members of our Finance Committee. But I am tired, as the chairman of the Commerce Committee, to be constantly asked, "Why aren't you doing that? Why not this." Everywhere we turn, we are told that we are protectionists; leave it alone; yes, we are negotiating; certainly, we will do this and certainly we will do that.

The only way to get your voice heard—and I am trying to get in ahead of these Washington lawyers and downtown Tokyo with that letter I put in the RECORD, the only way I know how to get ahead of that lawyer crowd is do a little lawyering myself and put in there the commitment of President Clinton and his Special Trade Representative on Super 301 and on strengthening our antidumping provisions and countervailing duty provisions.

These are the things I had in mind which I was ready to put in as amendment. I take it that I would not prevail and, that being the case, in trying to live in the real world, I said, well, what is the next best I can get? I got the letter and a chance to discuss it, and I have a few more things to discuss because I had not really talked about Punta del Este and Uruguay. I have been to Punta del Este. I know Punta del Este, and Punta del Este "ain't" no free trade.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

UNANIMOUS-CONSENT AGREEMENT

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 105, H.R. 1876; that no amendments or motions be in order thereto; and that there be 2 hours for debate, with the time equally divided and controlled in the usual form; that when the time is used or yielded back, the Senate, without intervening action or debate, proceed to vote on final passage of the bill; further, that upon disposition of H.R. 1876, the Senate measure be indefinitely postponed.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. Mr. President, I object. Mr. President, if I can have the floor for a second.

Mr. MOYNIHAN. Of course.

Mr. HOLLINGS. It is my idea in objecting to cover. I know the Senator from North Dakota—and I have been a little bit longer than I intended—I know the Senator from North Dakota, the Senator from Alabama, and several other Senators wanted to be heard. If I have time to check, we will get them to the floor and then we can agree. But as I understand it, we would only have to get time as yielded to us. Right now, we can only stand and talk, which is a delightful position to be in.

Mr. MOYNIHAN. Mr. President, may I say to my friend that time will be yielded. The distinguished Senator from Wisconsin has asked for 7 minutes. We have an hour.

Mr. HOLLINGS. Let me check with those Senators first and then we will get back to the distinguished chairman.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that Senator BAUCUS be added as a cosponsor to S. 1003.

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

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Frederick W. Mayer, a congressional fellow in Senator BRADLEY's office from the Council on Foreign Relations, be afforded privilege of the floor during Senate floor consideration of S. 1003, the fast-track bill, and any rollcall votes thereon. This is on behalf of the Senator from New Jersey [Mr. BRADLEY].

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

Mr. BAUCUS. Mr. President, the U.S. District Court in the District of Columbia today issued a very significant decision related to the North American Free-Trade Agreement. If sustained, this decision will have profound implications for the Uruguay round.

The court ruled that before the NAFTA could be submitted to Congress the administration must complete an environmental impact statement under the National Environmental Policy Act. This decision has critical implications for the NAFTA, for future trade agreements, indeed particularly the Uruguay round, for the National Environmental Policy Act for the convergence of trade and environmental issues.

I do not wish to address the legal merits of the decision. Instead, I would like to just for a moment address the practical implications of this decision.

I have argued for years that trade agreements have significant environmental implications. Trade negotiators have historically been blind to the environmental impact of agreements they negotiate. Whatever happens in this particular court case, they must become much more sensitive to the environmental impacts of agreements they negotiate.

In the case of the NAFTA, I have long been a critic of a short shrift the Bush administration gave to legitimate environmental concerns. I pressed President Clinton to negotiate a meaningful environmental side agreement to address those environmental shortcomings and he has agreed. If the court decision today has any clear implication of the NAFTA, it is that the NAFTA is dead on arrival without a very strong environmental side agreement. The NAFTA certainly should not and will not be approved without strong environmental measures in place to ensure that the agreement does not promote environmental degradation. In fact, I believe no future trade agreement will be passed by Congress if it is seen as a threat to the environment.

The other side of the issue before us is the impact of environmental impact statements on trade agreements. Trade agreements are different from other major Federal actions on which EIS's are required. Trade agreements require an international political consensus for approval. Separate countries must simultaneously agree to them and that consensus is often hard fought and transient. Anyone who doubts that should examine the political debate in Canada surrounding the United States-Canada Free-Trade Agreement. The Canadian public has consistently opposed the CFTA for the last 4 years. Public approval for the Canadian Free-Trade Agreement reached a majority only for a short period surrounding the last Canadian election. If the approval of the Canadian Free-Trade Agreement had been further held up by EIS, it could well have failed in Canada.

The process of conducting an EIS and the ensuing possible court action can drag on for years. In addition, it can be very, very expensive. Such a long delay and additional expense may endanger the international political consensus necessary for a trade agreement.

Trade agreements are good for the American economy and good for the world, but the environmental impact of such agreements deserves far more scrutiny than it has received in the past. Moreover, the National Environmental Policy Act is one of the cornerstones of U.S. environmental policy and should not be set aside without serious consideration.

These critical concerns must be balanced. We must fashion a formula under which the environmental impacts of trade agreements are fully understood while still allowing agreements to be negotiated in a very timely manner. As chairman of the Environment and Public Works Committee, the committee with jurisdiction over the National Environmental Policy Act, and the chairman of the International Trade Subcommittee of the Senate Finance Committee, I am determined to help strike that balance.

In the very near future I plan to conduct a series of Environment and Public Works Committee hearings to consider the application of the National Environmental Policy Act to trade agreements. I also plan to work with the administration, the environmental groups, and my colleagues to expeditiously address this problem.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, may I just welcome the statement that the chairman of the Committee on Environment and Public Works, the chairman of the Subcommittee on International Trade has made. I think he reflects increasingly the judgment of this body which, in turn, reflects public judgments.

I think this can be done. It has not been yet. Developing a procedure by which it might is exactly the work of the Senate, and no one can handle it better than he. And I look forward as the ranking member of the Senator's committee to participate.

I might say, and I think he probably would agree, with respect specifically to the North American Free-Trade Agreement, that there are issues of labor standards that are equally important and more venerable even in the history of trade negotiations going back a century in that regard. But I would like to simply congratulate him on his statement and offer this Senator's cooperation.

Mr. BAUCUS and Mr. HOLLINGS addressed the Chair.

Mr. BAUCUS. Mr. President, if I might just thank the chairman for his commitment. It is true, as he implied, that there is a convergence of trade and environmental issues. It is equally true, as the chairman stated, there is not only an environmental side agreement negotiated in NAFTA but also a labor side agreement. We do have a National Environmental Policy Act which the district court, District of Columbia, ruled now applies to NAFTA. We do not have a National Labor Policy Act that requires a labor impact analysis that could also arguably apply.

But, nevertheless, it is critical that the side agreements be negotiated by the administration and, hopefully, agreed to by Mexico and the Government of Canada to include very strong environmental side agreements and very strong labor side agreements. In my opinion, without those agreements, it would be very difficult to get the underlying NAFTA ratified by the Congress.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. HOLLINGS. Mr. President I will yield in just a minute to the distinguished Senator from North Carolina

because I have taken more than my share of the time.

Mr. President, I will support the environmental provisions of my distinguished leader from Montana. I will support the particular labor provisions of my distinguished chairman of the Finance Committee. But as Lovelace said in "To Althea: From Prison," "Stone walls do not a prison make, nor iron bars a cage."

And labor provisions and environmental provisions are, as we say in Charleston, like throwing water off the High Battery. Let us put it that way. It does not mean anything.

GAO investigated and everyone should understand Mexico. They looked at eight blue-chip corporations from the United States in the maquiladora zone and none of the environmental laws that Mexico has on the books right now were being obeyed.

That is the whole crux of this matter. You have to understand the country of Mexico. It has 5 percent of our gross domestic product, 10 percent of our wage level. More than half of the people do not have indoor plumbing. A third of them do not have clean drinking water. Over one-fourth of our Mexican friends do not have electricity. And as was said in the London Economist here recently, it is in no sense a democracy. In fact, one of the best Mexican writers quoted in the London Economist calls Mexico "the perfect dictatorship" because you have a small, elite control, an oligarchy down there. They control the government. They control the unions. If you do not believe it, consider that they cut wages in the last 10 years 40 percent. And in an age group of 15 years or less with a million coming into the work force annually, they are committing to a pact with industries to keep low wages right there at $1 an hour. And we have the official statistics. I have here in the official Mexican list of unemployment, the 12-year-olds listed as unable to find a job.

Little Vincenti Guerrero, on the front page of the Wall Street Journal last year, the 6th grade student, went to work in the shoe factory, and he pulled the little lever to paste the sole on the shoe. He barely had weight enough to get the lever down. His teacher said, "Vincenti, come on back. You are the smartest student I have ever had and you can get into college and you have to come back down to school." And he said, "No, my father has worked here all my life. I'm lucky to get the job."

They kept arguing, and finally Vincenti said, "Teacher, how much do you make?" And she said, "About 350,000 pesos a month." He said, "I make 380,000."

That is the kind of picture that you have there. The environmental laws, there is no compliance whatsoever. And the State Department report on human rights says Mexico has a totally corrupt judicial system.

As Lester Thurow and others have advocated, let us get the Common Market approach as they use in the European Community of first putting into the Mexico infrastructure freedom—a free union movement, free elections. After that, we can talk about a free-trade agreement.

As the distinguished chairman of the Finance Committee said, how can you have free trade with a country that has not had a free election?

We should build up Mexico first, as the EEC did for Spain, Greece, and Portugal, as they did for Ireland earlier to bring into the Common Market. We could reallocate to Mexico, as I said earlier, 20 percent of the shoes from China, 20 or 30 percent of the leather out of Korea, and, better yet, the textiles out of China, and textiles out of Taiwan around the clock, and Mexico could have the business. And Mexico can keep the profits if we will first relieve them of their terrible debt burden. We relieved Poland.

I remember when the distinguished chairman was Ambassador to India, and I was on the floor when they were arguing about a debt forgiveness of $12 billion for India, when the distinguished Ambassador did that. We like India. We love India. We want to help our Indian friends. We want to help our Mexican friends. We forgave $40 billion for the country of Poland. Let us forgive $40 billion here in this Western Hemisphere for Mexico, so they can keep some of the profits, build up the economy over a 15-year period, develop a middle class, and have a free election. But give them that free, that elite oligarchy down there, and they will keep the money and run. They will go to Geneva.

So you have a wonderful fix. And they are spending $50 million on fixing it up. And we are acting like it is a wonderful thing for the workers of America. "The economy, stupid." Let us create jobs.

I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

UNANIMOUS-CONSENT AGREEMENT

Mr. MOYNIHAN. I ask unanimous consent that the Senate now proceed to Calendar No. 105, H.R. 1876; that no amendments or motions be in order thereto; and that there be 2 hours for debate, with the time equally divided and controlled in the usual form; that when the time is used or yielded back, the Senate, without intervening action or debate, proceed to vote on final passage of the bill; further, that upon disposition of H.R. 1876, the Senate measure be indefinitely postponed.

Mr. HOLLINGS. Mr. President, not objecting, could I have 10 minutes in that particular agreement?

Mr. MOYNIHAN. Of course. And all the other Senators the Senator asked for have all agreed. Senator LEVIN did not want time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

URUGUAY ROUND FAST-TRACK PROCEDURES ACT

Mr. MOYNIHAN. Mr. President, I will temporarily act as manager on both sides. I see the Senator from North Carolina has been here for some time. Would he like——

Mr. HELMS. I will assume that role for our side.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

The clerk will first report the bill.

Mr. HELMS. Mr. President, I wish to thank the Senator from South Carolina. I think he has noticed that when he speaks I come out—sometimes I sit there, sometimes I sit over there—and you might say that I have a nodding acquaintance with FRITZ HOLLINGS. He speaks and I nod, especially on the issues on which we agree.

Mr. HOLLINGS. I thank the distinguished Senator.

The PRESIDING OFFICER. Senators will withhold. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 1876) to provide authority for the President to enter into trade agreements to conclude the Uruguay Round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade, to extend tariff proclamation authority to carry out such agreements, and to apply congressional "fast track" procedures to a bill implementing such agreements.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. MOYNIHAN. Will the Senator from North Carolina have the graciousness to manage the time on his side of the aisle and yield himself some time.

Mr. HELMS. I will be glad to do so until Senator PACKWOOD returns. I thank the Senator.

Mr. MOYNIHAN. The Senator from Texas has asked for 7 minutes.

Mr. HELMS. Mr. President, since I have been waiting for quite awhile, I believe I will proceed. I will not speak at length.

I know that Senators have noticed there is a great search for the cornerstone laid by George Washington for this Capitol. As far as I know, they have not found it yet. When they find it, I hope they will also find that he said "beware of entangled alliances." That just about says it all with respect to my opposition to S. 1003. I did not object to the unanimous-consent request because it is a foregone conclusion of what is going to happen. The

best I can do is to have my say about one little, narrow aspect of the whole picture.

The Senator from South Carolina [Mr. HOLLINGS] was absolutely correct. He said he was not bashing anybody; he was bashing us. Our negotiators have been suckered over and over again. I was going to offer an amendment to S. 1003, but I decided against it. I probably will offer it on a freestanding basis in the near future.

This amendment, if offered, would have prevented the People's Republic of China from receiving any of the benefits of, or access to, the General Agreement on Tariffs and Trade, known as GATT, until Communist China meets certain basic fundamental conditions, which are identical to those contained in the most favored nation legislation introduced by the majority leader and cosponsored by 16 Senators. I am one of the cosponsors.

Communist China is not a member of GATT. Bear that in mind. Nevertheless, Communist China will receive the benefit of the GATT tariff cuts because Congress—that means us—bestowed MFN status upon China. I opposed it. I think it was dumb. I think we overdosed on dumb pills when we approved MFN for China.

I just wonder how many Senators realize that, by approving S. 1003, this fast-track bill, they will be voting to slash tariffs for China, and in the process, will be slashing the throats of American businesses and workers.

Think about it, Mr. President. The Communist Chinese will make not even one concession. They will not open their markets one iota. Yet we shower them with lower tariffs on a deluge of products they ship into the United States. Great strategy. Oh, what a fine entangling alliance. We swing open the gates to our market; they keep theirs shut. The arithmetic is devastating when you stop to look at it. The Chinese ship into the United States 4.5 billion dollars' worth of legal textiles every year, and another 2 to 4 billion dollars' worth of unlawful textiles. How many United States textiles are shipped into China? Does the Senator from South Carolina know? Zero, zilch, none. Yet we get up here and say we have to have free trade. I say to the Senator if it is not fair, it is not free. If it is not a level playing field, forget it.

Furthermore, the United States could unilaterally grant China some of the other benefits of GATT, like the phaseout of the Multifiber Arrangement, which sets the textile quotas for every country. We simply must not allow this to happen.

The Chinese Communists are using slave labor to produce all manner of goods, including textiles, for export into the United States market. To get the goods into the United States, China uses every trick in the book. They circumvent and violate U.S. trade laws and laugh at us when we say something like, "Please don't do that anymore."

Mr. President, a trade agency, a senior Chinese official, and several companies have been indicted in New York City for participating in a scam to evade U.S. textile trade laws thereby putting U.S. workers out of jobs. That is a fact.

The measure I will introduce in the near future stipulates that before China can receive any GATT benefits, China must; First, stop using slave labor; second, respect human rights; third, release the Tiananmen Square prisoners; fourth, stop weapons proliferation; and fifth, open up China's markets to United States exports.

These conditions are identical to those in the MFN bill sponsored by the distinguished majority leader and some of the rest of us.

Communist China's use of slave labor is outrageous. Not only is it inhumane, it makes impossible any chance that U.S. businesses can compete with slave labor imports.

After years of research, several things were discovered. First, the Communist Chinese manage and control a vast network of gulags, prisons, and forced labor camps. A General Accounting Office [GAO] report in 1990, estimated that there are as many as 3,000 such prison camps in Communist China. The report also states—and I quote the GAO report—"forced labor is practiced throughout the country." A study by the American-Asian Free Labor Institute estimated that there could be 20 million people imprisoned in these camps. Beware, Mr. President, of entangling alliances. Old George had it absolutely right.

Second, Asia Watch has concluded, as have others, that "the Government of China is systematically exploiting the labor of prisoners to make cheap products for export." I hope we will never forget the story of Harry Wu, who was a prisoner in China. The television program "60 Minutes" documented Harry Wu's return, undercover, to the prisons in China, where the Chinese used slave labor to produce products to export to the United States, principally textiles. The Communist Chinese idea of quality control, by putting people in prison and forcing them to labor, certainly gives them an economic advantage.

Mr. President, I do not like it. I do not think many civilized people do. The Chinese Communists have flooded international markets everywhere with a barrage of products made by slave labor. You name it, T-shirts, ladies sweaters, blue jeans, wool cloth, socks, work gloves, sneakers, flashlights, hand tools, electric drills, and so on down the line. It is sad to say, American consumers are unknowingly subsidizing the imprisonment of liberty-loving people in China.

Mr. President, I reiterate that the Communist Chinese will lie, they will cheat, they will use every underhanded trick in the book to defraud the United States. But on October 5 last year, they got caught. Charges were filed in Federal court in New York against a Chinese Government agency and several companies that import textiles and apparel items from China. The U.S. attorney in New York explained that this "major Chinese governmental entity," as he called it, was indicted for participating in a scam to evade textile and apparel trade law. These indictments strongly indicate that the Chinese Government itself is involved in a scheme to evade United States laws, and to avoid paying millions of dollars in duties on textiles and clothing imported into the United States.

The Red Chinese activity which was exposed last year, contributed to the destruction of thousands of American jobs. Industry experts estimate that as many as 500,000 U.S. jobs may have been lost as a result of these types of foreign trade practices.

What does this have to do with GATT and NAFTA? It has everything to do with it because one thing leads to another. The Senator from South Carolina has identified the differences in the working conditions and the cost of operating with the trading partner to the south of us.

Mr. President, one of these days I am going to offer a freestanding resolution about GATT and China, which I would have offered as an amendment to the pending bill. I shall not offer it because I do not want to impede the Senate's progress on this bill even though I oppose it vigorously.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, on behalf of Senator PACKWOOD and myself, I would like to ask for the yeas and nays on the bill.

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

The yeas and nays were ordered.

Mr. PACKWOOD. I yield 7 minutes to the Senator from Texas.

Mr. GRAMM. Mr. President, today, a district judge in the District of Columbia ruled that the President did not have the authority to submit NAFTA to the Congress. I remind my colleagues that one district court does not a Constitution make. The President has clear constitutional powers to send a resolution, including NAFTA, to the Congress.

I believe this decision will not be sustained. I believe the President has the power to continue to move forward on NAFTA. I wanted to rise today to speak and tell the President he has bipartisan support in that effort. I do not believe that this district court ruling will delay or derail NAFTA. I have

every confidence that the decision will be overturned by a higher court. I do not believe that the President will, in any way, be impeded in moving NAFTA swiftly to a vote, which I think is in the national interest.

I am hopeful that NAFTA will be approved by the Senate and by the House.

I am very happy to be here today to support the extension of fast track. It is hard for me to imagine a vote that is more important to the future of America than the extension of this capacity to proceed in an orderly fashion to consider trade agreements that are aimed at bringing down trade barriers, creating economic growth, and creating expanded world commerce. I take many issues to be serious issues, but there is hardly an issue that is more important to the future of America and the future of the world than the trade issue.

When we look at the miraculous changes that have occurred in the last 4 years in the world in which we live, such as the tearing down of the Berlin Wall, the liberation of Eastern Europe, the transformation of the Soviet Union, the dramatic changes in the Third world, Mexico being a prime example, more than any other single factor, the Berlin Wall was torn down by growth in world trade. The wealth machine that we have created through world trade and commerce has been an engine that killed world communism, transformed the world, and created a vast expansion of prosperity both in the United States and around the world.

I think it is vitally important that a good, strong GATT agreement be approved. I think it is important to remember that the NAFTA agreement has already been signed. The extension of fast track today is related not to NAFTA, but it is related to the current GATT round of negotiations which is aimed at lowering subsidies on agricultural products, which is aimed at opening up world markets in services, which is aimed at expanding world commerce.

These are areas where the United States of America has a comparative advantage. I think it is vitally important that we proceed. I think it is vitally important that we show that there is a bipartisan base of support for the President in his effort to negotiate the lowering of trade barriers, to expand world commerce.

To return again, briefly to NAFTA, I strongly support NAFTA because I believe it is in the interests of the United States. I think the rejection of NAFTA would be one of the worst actions we could take. I have no doubt that the vote on NAFTA is going to be one of the most important votes of the decade in the Congress.

To continue the success we have had in negotiating NAFTA, to continue the success we have had in expanding world commerce, to continue the success we have had in expanding economic opportunity and freedom and democracy through world trade, we need the fast track process to enable the President to negotiate. After a delay that I think has gone too long, the President is now ready to move ahead with GATT. We need to give him the tools he needs to do that. I think it is vitally important that we approve the extension of fast track.

I am also hopeful that we are not just going to extend fast track for GATT; I am hopeful that we are going to make it the permanent law of the land for further trade expansion agreements.

The United States of America, of all countries in the world, ought to be the tireless promoter of the expansion of trade and commerce. That is what fast track is about. I believe that the American public has been well served by the fast-track process. I think many of our greatest achievements in the post-cold war world has come from a growth in world trade.

I am happy to have the opportunity here today to rise in support of the fast track process and NAFTA.

Mr. MOYNIHAN. Mr. President, I thank the senior Senator from Texas for his very thoughtful remarks as an economist by profession, and as a public person with a great sense of responsibility in these matters.

I note the bipartisan nature of this measure. We are dividing the time simply so that everybody might be accommodated. We will go back and forth.

Mr. President, I yield to the Senator from North Dakota 10 minutes off the bill.

Mr. DORGAN. Mr. President, thank you very much. I thank the chairman. I tell you, I was listening to the previous speaker and thinking to myself, I do not think I could possibly disagree more with what has just been said. NAFTA—the United States-Mexico Free-Trade Agreement, with Canada sitting in. The judge's decision this afternoon—I have not read it, but I hope it will, in some small way, convince the White House to send a bouquet of flowers, pronounce a eulogy, and declare this trade agreement dead.

This trade agreement makes no sense for this country. The United States-Mexico Free-Trade Agreement, in my judgment, is destructive to this country's economic interests. I hope very much that when we hear these platitudes about growth in world trade and free markets, we will understand what it really means; that behind the wrapper is an economic philosophy of having the largest American corporations move overseas to get $1-an-hour labor, and ship back into this country, which means lost manufacturing jobs for Americans and lost opportunity for this country.

Fast track is what we are debating at the moment. Fast track, a fundamentally undemocratic procedure. Fast track says we will send our negotiators out in the world, allow them to close the doors, lock them tight, negotiate an agreement, bring it back here, and say to those of us in the House and the Senate: No changes. Swallow it whole or vote against it.

To my friends that are going to vote for this, I say you are welcome to your opinion, and I respect your opinion. But if we have not learned from the United States-Canadian Free-Trade Agreement, we have not learned anything. We got taken to the cleaners, up one way and down the other. Clayton Yeutter negotiated an agreement with Canada that sold out the economic interests of American agriculture. And he did it not just selling out our interests, but did it in secret and did not even disclose, not just to us, but to senior people in the USTR, what the agreement was.

If we wanted to discuss that in great detail, I will give you the proof. If we do not learn from being taken to the cleaners once and decide that we will not move with fast track again—I mean do we start deciding to sober up on how we develop procedures around here so that we have a voice, so that the American people have a voice in trade policy? This is fast track for GATT.

The previous speaker talked about Mexico. You know something, the Mexican Free-Trade Agreement, or MFTA as it is called, is going to lose. Do you know why? The American people do not buy it. They know exactly what it means.

And as Tip O'Neill said once, if he said it a hundred times, all politics is local, and all of us go back home and we understand when we have a meeting with our constituents, they know what these agreements are about.

The United States-Mexico agreement is simply a microcosm of GATT. It is exactly the same strategy, the same old tired strategy, give away the farm. We have not found a negotiation we could not lose in a week or so, at least in the last decade. We have a good trade representative whom I respect. I like Mickey Kantor a great deal. He has done good things in recent days.

I want to understand that our goals in negotiating trade agreements represent goals that have some ability to give us some hope for a better economic future in this country, not for a continuation of what we have seen in the last couple decades, that is, padlock the manufacturing plant in America, move it overseas, manufacture and ship back into the American marketplace.

Business Week had a little article a couple weeks ago about a woman. She works in a plant that produces things that used to be produced here. She works 10½ hours a day, 6 days a week. She makes shoes, incidentally, that will be shipped back into this country.

At the end of that long week, this woman makes enough money to buy one shoe from the pairs of shoes that she makes all week. That is her income.

Why do they locate that company in Malaysia or Indonesia? Cheap wages. What can they do with that? They can make more money by padlocking their manufacturing plants, moving it to where they can find cheap wages and sell it back into the American marketplace.

I simply ask this question: If we continue this trade policy of encouraging manufacturing offshore, where is the income stream going to be left in America? Where are the consumers going to get the income to purchase the products that are shipped back into this country?

We need, in my judgment, a fundamental change in trade strategy. If I felt in GATT these folks were going to negotiate the two principal points that I think are necessary expansion of market access, and the elimination of trade distorting subsidies, then I would probably support the efforts of our negotiators. But that is not what they are negotiating principally. I probably would not support fast track in any event because I have learned, and I would hope my colleagues will learn as well, when we are fooled once we understand it, but we ought not be fooled twice on exactly the same principle.

In this GATT round, we are talking with Europeans about trade-distorting subsidies. We call it TDS on our side. We do it just a fraction of what they do. They have restitution programs, and so on. They have $11 or $12 billion in what I believe are trade-distorting subsidies. We have about $1 billion authorized. We do not even spend that much. So we have a tentative agreement where we say they are going to reduce theirs by 20 percent, that is great. They are left with only $8 billion in subsidies, and we declare victory. We ought to pass out gold medals to those negotiators. They are still going to beat us eight times in subsidies which are insidious subsidies that distort trade.

And we are going to sign an agreement like that? We say, yes, we won, we are able to ratchet it down to 20 percent. They get $8 a bushel of wheat over there. They reduce it 20 percent, they get $6.40. Our farmers get $2.40.

We are going to cement that agreement, going to lock in? We are going to lock in that kind of unfairness?

We need new uniforms on our trade negotiators. They ought to wear jerseys that say we are for the U.S.A. team. We are not afraid to say we are negotiating on our behalf.

You know, I guess my point is today I am not going to support fast-track because I think the procedure is flawed, and I have learned from this procedure once we got taken to the cleaners on Canada.

But aside from fast track, I think the substance of the GATT negotiations have simply missed what happened in the world. The world has changed and the global trade policies have not. We have to, it seems to me, and I hope we will do this when we begun discussions on 301 and/or remedies later this year.

We have to rethink our strategy in world trade. We cannot continue to lose manufacturing jobs by the hundreds of thousands in this country and decide it will be made up somehow by some burst of technology, and there are higher wage, higher skilled jobs that will magically appear. And we exploded the opportunities for world trade because we have been able to trade away our opportunity to manufacture in this country in the future.

So, Mr. President, I regrettably am going to vote no on this. I am told by some, you have to have fast track in order to get this done.

I have a list of agreements here, all of which are multilateral agreements that were passed without fast track: Antarctic Treaty, Atmospheric Test Ban Treaty, Outer Space Treaty, nonproliferation Treaty, Seabed Arms Control Treaty, Biological Weapons Convention, Convention for Safety of Life at Sea, Fur Seal Treaty, International Coffee Agreement, Customs Harmonization Convention, Nice Trademark Agreement, International Telecommunications Agreement, and the list goes on and on.

None of these, none of them, I repeat, came to the floor of the House or the Senate on a fast-track procedure.

So those who say you cannot do trade, you cannot do multilateral trade agreements without fast track, baloney. Save it. We have done treaties that are tough. We have done multilateral agreements that are tough, difficult agreements, a number of which had fast track.

This is a habit, and a bad habit, when we start believing the trade negotiations must be accompanied by fast track to prevent the will of the people being expressed in the House and Senate in the form of amendments.

For that the reason I refuse to support it.

I yield the floor.

Mr. PACKWOOD. Mr. President, I yield 7 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise today in opposition of S. 1003, which provides authority for the President of the United States to enter into trade agreements to conclude the Uruguay round of multilateral trade negotiations and would apply congressional fast-track procedures to a bill implementing such agreements.

Mr. President, since 1986 the previous and the current administration have been negotiating the Uruguay round of the General Agreement on Tariffs and Trade [GATT]. The negotiations have worked to improve the trade rules that had been implemented in the previous seven GATT rounds. The major areas of negotiations have focused on agricultural trade, services and trade related to foreign investment, as well as protection of intellectual property rights.

In 1991, Congress extended fast track procedures which prevent Congress from amending trade agreements submitted for approval by the administration. The current authority for fast track procedures expired on May 31, 1993, and this bill would extend this authority to April 16, 1994.

While the current trade negotiations may be helpful to some of the industries of this country, they will be devastating to the domestic textile industry. It is estimated that over the 10-year phase out period of the Multifiber Arrangements [MFA], as proposed in the GATT talks, the domestic textile and apparel industry could lose as many as 1 million jobs. Specifically, a 1992 study by the WEFA Group [Wharton Econometrics Associates] determined that the Uruguay round proposal on textiles would result in 745,000 total job losses in the American textile and apparel industries by the year 2002, lead to an additional 285,000 lost American jobs in related manufacturing industries such as chemicals, fibers, furniture, transportation, rubber, and electric machinery; and cause 360,000 American jobs to be lost in services and agriculture, including banking and retail. According to the South Carolina Employment Security Commission, South Carolina lost 21,300 textile jobs from 1983 to 1992. From April 1992 through April 1993, South Carolina lost 2,300 jobs in the textile industry and 1,700 jobs in the apparel industry. These statistics show that the current trade laws and policy are not protecting the vitality of the textile and apparel industry. I am concerned that the proposed changes included in GATT will prove to be even more detrimental to American companies.

Mr. President, according to the Department of State, the U.S. textile and apparel industry employed about 1.7 million workers in 1991 and is the largest U.S. industrial employer with about 9.1 percent of the manufacturing force. However, since 1978, the industry has faced growing competition. Total U.S. imports of textiles and apparel has increased by 13 percent. American businesses have been harmed by these imports because our industries are not able to compete with the price advantage that foreign labor costs create. And in many cases the Governments have subsidized these companies. If American companies were competing on an equal basis, then they could surely compete with companies of any nation. However, our industries cannot be expected to compete with foreign industries that have unfair advantages.

I urge the United States to negotiate an approach to international trade in textiles and apparel which would focus on opening markets worldwide and require that trade take place under equitable conditions of competition, including environmental protection and worker rights, in the Uruguay round negotiations. I would further emphasize concerns that the Senate Finance Committee also recognized that any member country not adhering to the Uruguay round agreement should not benefit from the phaseout of the multifiber arrangement. We need assurances that American industries will be given real market access before we agree to phaseout the quotas that control trade in textiles and apparel.

Mr. President, I am concerned that the current position of the United States in the GATT negotiations is harmful to the domestic textile and apparel industry. Rejection of this bill will not prevent consideration of the GATT agreement. It will simply take this agreement off the fast track procedures so that provisions with regard to individual industries may be considered separately rather than as one package. Article I, section 8 of the Constitution gives to Congress alone the right and responsibility to regulate foreign commerce. The seriousness of this matter increases the need for debate and amendment. A vote in favor of this legislation is a vote in favor of avoiding the constitutional obligations of this body.

Mr. President, I urge my colleagues to oppose this measure so that all industries will be assured of the fairest deal possible in trade negotiations.

Mr. President, I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Senator from New York.

Mr. MOYNIHAN. Mr. President, I yield to the distinguished Senator from New Jersey 10 minutes off the bill.

The PRESIDING OFFICER. The Senator from New Jersey is recognized from 10 minutes.

Mr. BRADLEY. I thank the chairman for yielding.

Mr. President, I rise today in support of the renewal of fast-track negotiating authority in order to complete the Uruguay round of the GATT.

I think we are at a critical time for the GATT and for the international trading system.

Failure to complete the round would be a profound mistake. It would almost certainly deepen the global recession we are in, and jeopardize our own economic recovery. It would set back 4 decades of progress in building a stable and open international trading system. And it would severely damage our ability to continue to lead the world towards an even stronger international trading system.

Mr. President, it has been about 8 years since I was a member of the GATT study group that examined the health of the world economy and recommended a new round of trade talks. I was one of seven. I was the only American and the only politician, so I had a heavy burden on my shoulders in those deliberations.

We believed then that without those talks the international trading system was at risk. Voluntary export restraints, orderly marketing agreements, domestic subsidies, nontariff barriers, industrial targeting, and a host of other unfair trading practices were threatening to undo the progress we had already made in building an open international trading system based on sound economic principles. So the study group, after over a year of discussion, recommended a new round of talks to address these underlying barriers.

It is now nearly 7 years since the United States took the lead in prodding the international community to launch a new round of talks. It has been a long haul. Several times over the years we thought we were near the conclusion, only to find one group or one other problem arise and an agreement elude us and the talks continue. Two years ago, when negotiating authority expired, the Congress extended negotiating authority until March of this year to complete the round. But the talks rolled on and we missed that deadline. We are now asked to provide one last, short renewal of negotiating authority, until the end of the year, to complete the job we began over 7 years ago. I support that request. But I think it should be clear that this should really be the last time. Let us finish this negotiation.

I agree with those who argue that no deal is better than a bad deal, but I firmly believe that a good agreement is in sight. Now is not the time to abandon our efforts. It is time to redouble them and complete the round.

Finishing the round will give an immediate boost to the world economy, and to our own economy. Completing the GATT is an important part of our overall economic strategy. Estimates vary, but virtually every credible analysis I have seen shows that a GATT agreement will stimulate international trade and help revive the sluggish economies of Europe, Japan, and the developing world. Greater trade and healthier markets abroad will stimulate our own economy here at home. Without the GATT, on the other hand, the world will continue in its current recession, and our own economic recovery will essentially be jeopardized. I think it would send a very dangerous signal worldwide for this round not to be completed.

Completion of this round is also important to maintain the momentum of post-World War II trade liberalization and economic growth. For nearly half a century, we have been engaged in slowly breaking down national barriers to trade and building an open international trading framework. This is one of the great success stories of the century. We have witnessed exponential growth in international trade, and with it the longest period of sustained economic growth in history.

Today, one in five jobs in this country is directly related to trade. Starting from the modest beginnings, through round after round of negotiations, we have gradually deepened the economic ties that bind countries together and the GATT membership itself has expanded considerably over the years. If we fail to complete the Uruguay round, I fear, the structure we have worked so long and so hard to build may begin to crumble.

There are those who argue that multilateralism is becoming irrelevant, that in the future regional economic arrangements will replace the global system. Well, I believe that regional free trade areas are a positive development. It makes sense to forge deeper economic ties with one's immediate neighbors. I am a very strong supporter of the North American Free-Trade Agreement. But regional agreements need not, and should not, replace our commitment to multilateralism. We can have both. We need both. I know that many of my colleagues are dissatisfied with specific aspects of the Uruguay round. I am not happy with every piece of the puzzle that the negotiators have put together. But we must not let the perfect be the enemy of the good. No agreement will satisfy everyone. No agreement ever does. The question is whether, taken as a whole, the completion of the round is in our national interest. I believe that it is. We should not allow narrow concerns, no matter how legitimate, to thwart what is the larger common good, which is the completion of this round.

Since the time we began these negotiations, a host of new issues have arisen on the international trade horizon. That is not surprising. We have been at this for a number of years. But it would be a mistake to stop at this point to add the new issues to the agenda. We should consolidate the gains we have already made or can make in the coming months on our original negotiating objectives and defer until the next round—a round I would like to call the Clinton round—issues such as the relationship between trade and the environment, competition policy, and investment policies.

But we cannot get to those issues in the next round, if we do not finish this round.

It is unfortunate that opponents of the round and its work have attempted to portray fast track as a hasty, secretive process. Despite the name, there is nothing hasty about fast track, as any member of the Finance Committee will know.

If an agreement is reached under this authority and it is unacceptable, the agreement that is negotiated, the Congress will and should reject it. Nor is there anything secretive about fast track. In fact the process ensures consultation with Congress and with the public.

So we have not been and should not be misled by charges that fast track is some sinister attempt to circumvent the people's will. It is not.

I commend the administration for the sense of urgency they are bringing to the negotiations. Now we need to support the administration by acting with equal urgency. At the moment our negotiators are forces to operate without knowing whether they would have negotiating authority. They have been forced to do that since last March. So far that has not presented a significant problem. We have continued to make progress, even though they have not had negotiating authority. But the time I think has arrived when not having fast-track authority does present a problem. Increasingly, other countries are going to be unwilling to make the concessions we are asking them to make without the assurance that at the end of the game we will be able to deliver on the bargains and on the agreements that we have made in the negotiations. That is the essence of the fast track.

These are immense negotiations with large national interests being essentially shaded and compromised around a table. It is very complicated. If all the negotiators believe that an American position and an agreement signed by an American negotiator was not going to be what the Congress would accept or reject, there would be far fewer compromises and far less progress in international trade negotiations.

Finally, next week President Clinton goes to Tokyo for a meeting with the other heads of the most important economic powers. The President has asked us to give him, as the chairman of the Finance Committee has said so clearly and so urgently—he has urged us to give him an extension of fast track in time for that summit. With fast track, there is a prospect for significant breakthrough in the Uruguay round talks. Failure to pass this bill this week would represent an embarrassment to the President and make it highly unlikely that there would be any breakthrough at the Tokyo summit.

So I support this bill, a short extension to finish the work of 7 years. I urge the Senate support President Clinton on this initiative and that we then move on to the next order of business, which will be completing the round and then moving to the next round which will be the Clinton round of trade talks.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. MOYNIHAN. Mr. President, I thank the Senator from new Jersey for a lucid and urgent exposition and his felicitous suggestion that the Clinton round comes next, if we get the Uruguay round.

The point about the world economic situation could not be more telling. Last night, in, what we all regret, the final series of commentaries by John Chancellor on NBC, from Europe, he observed, "Western Europe today is in what some called a managed depression."

It happens that apart only from Japan, the United States has the lowest unemployment rate of any of the major trading nations. Opening up the trade system further can only rebound to the benefit of the United States by increasing demand in those countries for our products. Or such is our theory and such is the risk at a time when high unemployment and political instability elsewhere cause nations to want to move inward.

We led the world 60 years ago, when Cordell Hull proclaimed the multilateral trade agreement system. We have led the world in this, and that leadership has not ever been more needed than just now.

In that respect, we have our good friend, Ambassador Kantor, in a letter responding to the Finance Committee's letter to the President asking about specific conditions we hope will be met in these final negotiations.

I ask unanimous consent that that be printed in the RECORD at this point.

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

THE U.S. TRADE REPRESENTATIVE,
Washington, DC, June 30, 1993.

Hon. DANIEL PATRICK MOYNIHAN,
Chairman, Senate Committee on Finance, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN MOYNIHAN: The President has asked me to respond to the Finance Committee's letter of June 23 regarding negotiating objectives for the completion of the Uruguay Round.

I have read carefully your statement of the Committee's goals and objectives, as well as your carefully defined concerns over the present language of the Draft Final Act. The Administration shares the objectives, and the specific concerns with the Final Draft Act, set forth in the letter in the areas of market access, services, agriculture, procurement, dispute settlement, antidumping and countervailing duty laws, subsidies, intellectual property, and textiles and apparel.

I am committed to trying to achieve the objectives identified by the Committee, as we move toward the conclusion of the Round, and we will consult closely with the Committee during this process.

Sincerely,

MICHAEL KANTOR.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. I yield 5 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. COCHRAN. Mr. President, I support this bill to provide the President with fast-track negotiating authority to complete the Uruguay round of trade talks. Since 1948, the General Agreement on Tariffs and Trade has promoted the expansion of international trade on a nondiscriminatory basis.

The objective of these negotiations is to lower tariffs, break down nontariff barriers around the world and to update international trading rules that have become ineffective.

As the world's leading exporter and most open economy, the United States stands to benefit greatly from reduced barriers and open markets. Successful completion of the Uruguay round would provide substantial benefits to our economy, including:

Lower barriers to manufactured products and other goods, which could increase world output more than $5 trillion, and U.S. output by over $1 trillion over the next 10 years, meaning an additional $17,000 for an average American family of four;

Rules to protect U.S. intellectual property, whose producers lose $60 billion annually through the theft and counterfeiting of their ideas;

New markets for U.S. services, whose firms export over $163 billion annually and generate 90 percent of new American jobs;

Fair competition and open markets in agriculture, creating new opportunities for American farmers, who lead the world with almost $40 billion in annual exports;

Full global trading participation by developing countries—the most promising new markets for American goods—which could increase U.S. exports by $200 billion over the next 10 years; and

Strengthened trading rules that should provide predictability and certainty in our access to foreign markets.

The Uruguay round tests the commitment of the United States and our trading partners to an open and fair world trading system. If the talks succeed, GATT countries will gain greater worldwide access for their products and services. If they fail, we are likely to see more barriers to trade, increased protectionism, and fewer new jobs.

President Clinton hopes to complete the Uruguay round by December 15 of this year. He deserves our support in that effort. The Senate should pass this bill.

Mr. President, many of us disagreed with the President's economic plan and continue to oppose some of the changes that are being recommended in our Tax Code. We worry these changes will undermine our ability to expand the economy, to create new jobs, and to continue to grow as a productive country.

This is one of the most positive steps that could be taken to counteract the negative effect of higher taxes and increased regulations that are a part of the new economic plan.

So, while I do not agree with the President on his economic plan, I most definitely support his effort to promote international trade at the GATT negotiations—as well as his effort to finalize a NAFTA agreement and submit it to the Senate for ratification—to try to work more in partnership with American interests in business, industry, and agriculture to ensure that they are treated fairly in the international marketplace. In my view, that is a large part of what is at stake in this legislation. I hope the Senate will approve it.

(At the request of Mr. MOYNIHAN, the following statement was ordered to be printed in the RECORD at this point:)

STATEMENT OF SENATOR TOM DASCHLE ON S. 1003

I oppose this legislation to allow the President to negotiate a final agreement in the Uruguay round of multilateral trade talks on a fast-track basis.

This extension of fast-track authority to the President, which is effective only for purposes of the current round of talks under the auspices of the General Agreement on Tariffs and Trade or GATT, gives the Administration wide latitude to negotiate an agreement that Congress will not be able to amend.

My purpose in opposing extension of fast track is simple. By refusing to agree to negotiations on this basis, we—the Congress—will send a message to our trading partners that things are no longer business as usual.

No one is more willing than I to admit that we deal today in a global trading environment. As a representative of a largely agricultural State whose economy is highly dependent upon open and fair trade with other countries, I have witnessed in a very direct way the dramatic changes that have been occurring in the global marketplace.

One of the most important changes that have taken place over the past decade or two is that the United States is no longer an unchallenged force in world trade. Our President cannot just walk into talks with other world powers and command that a certain action be taken. Brent Scowcroft, President Bush's national security adviser, was quoted in the Wall Street Journal this morning, saying, "It's harder now because you really have to lead, you can't just command." He went on to say, "Leadership means persuading people it's in their interest to do things, rather than being able to just command them by the weight of our economic strength."

That is precisely why I am opposing extension of fast track.

Without fast track, it will be in the interest of other nations, especially the European nations, to provide President Clinton with assurances that the next 5½ months of negotiations will be different.

Without fast track, it will be in the interest of nations that want to see the Uruguay round completed to indicate a willingness to compromise with the United States on issues of importance to us, such as agriculture.

Without fast track, we will send a strong message that we are not going to continue agreeing to open our markets—and abiding by those agreements—while other nations only pay lip service to market access.

Especially where agriculture is concerned, we frankly do not stand in a very good position right now. The current draft text of the Uruguay round agreement and the related oilseeds agreement reached last November simply fail to address the concerns of American agriculture. Approving fast track will only ensure that this unfair situation and others like it will continue.

The bottom line here is that we have no leverage—and extending fast track yet another time will only make things worse.

President Clinton entered office on a platform of change. But change must not stop at our borders. By rejecting his request for another extension of fast track, we will be sending a strong message to the President that we want to see change in the way the U.S. deals with its trading partners in the world marketplace, as well.

Ironic though it may seem, our withholding of fast track may provide the President with just the leverage he needs to show that he cannot report back to this Congress, as previous presidents have done, with an agreement that solidifies the unfair trade situation we now face. It will rearm him in the new world marketplace.

I urge my colleagues not to roll over on this issue. The current round of talks has been going on since September of 1986, with limited success on our negotiating objectives. A vote today approving the President's request for an extension of fast track is a vote for the status quo.

Mr. MOYNIHAN. Mr. President, I now have the pleasure to yield 10 minutes to the able and energetic Senator from Wisconsin.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wisconsin [Mr. FEINGOLD].

Mr. FEINGOLD. Mr. President, I rise to oppose the extension of fast-track authority for the General Agreement on Tariffs and Trade. To put it simply, taken along with the agreement itself, extension of fast-track authority potentially represents a diminution of democracy. It actually continues the substantial transfer of power from the legislative branch to the executive branch begun in 1934 when Congress gave the executive the authority to lower tariffs, authority that was granted to Congress by article I, section 8 of the U.S. Constitution. Congress' constitutional authority in the area of trade has been consistently eroded since then, and will be further stripped away with the granting of fast-track procedures for the GATT.

As questionable an undertaking as the restrictive fast-track procedures may be in and of themselves, when applied to the ratification of an international agreement that inherently abrogates democratic authority, the fast-track limitations, in my view, are perilous.

Mr. President, the GATT has the potential of voiding those consumer health and safety standards and regulations that have been established through a democratic process, and substituting standards set by an organization called the Codex Alimentarius that has been dominated by multinational corporate interests and whose members are not accountable to an electorate.

I do not think many Americans realize that under this agreement, the authority to set consumer health and safety standards will be transferred from State and Federal legislative and regulatory bodies to this international organization, the Codex Alimentarius. This organization will set international standards which many people fear will end up being lower than the current U.S. standards. These concerns do appear, Mr. President, to be well founded.

It is my understanding, for example, that the Codex has no standards for many pesticides and many contaminants that our Government regulates. It could allow, on food, residues of pesticides, such as DDT, that have been banned for many years in the United States.

Beyond supplanting our current consumer safety and health standards, the GATT, as currently drafted, will effectively prohibit States from taking the lead in important consumer and environmental protection areas. I am proud of my own role in my own State of Wisconsin. In Wisconsin, we have taken the lead many times throughout this century in establishing progressive legislation on behalf of workers, consumers, and the environment. Under GATT, Wisconsin and other States that have worked so hard to improve conditions in their own States, with immeasurable impact on national reforms, may well be preempted and prevented from pursuing future reforms.

I know, for example, that at the time the Wisconsin State legislative was passing legislation I authorized to place a moratorium on the use of bovine growth hormones, something the U.S. Senate approved last week as part of the budget reconciliation bill, I was warned that efforts by State legislatures to keep products produced with BGH out of the State could run afoul of GATT restrictions, if it was already in place.

That is an unconscionable result which shifts policymaking away from democratically elected representatives to an organization dominated by multinational corporate interests and unaccountable to my constituents or the constituents of any Member of the Senate.

Mr. President, the GATT will certainly affect every consumer directly, and has the potential of affecting the livelihood of millions of working men and women. Given the enormous impact this agreement can have in this Nation, Congress must have the ability to hold extensive hearings on the document, not only to gather input from out constituents on the agreement, but to educate the public as well.

At the same time, we need to retain the ability to amend the agreement.

Adopting the fast-track procedure without the ability to amend the agreement relegates Congress to a rubber-stamp authority of either approval or disapproval. Even the most enthusiastic supporters of a line-item veto authority for the President should concede that denying Congress the ability to amend legislation is a very serious undermining of our constitutional authority to legislate. In a sense, it completes the role reversal begun in 1934 by granting the executive branch the authority to craft the agreement in every detail while limiting Congress merely to consenting to the agreement as written or simply vetoing the proposal.

Mr. President, my interest in the issue of fast-track authority began before my election to the U.S. Senate. As a member of the Wisconsin Legislature, I authored a joint resolution urging our congressional delegation to oppose fast-track authority in 1991. We passed that resolution with bipartisan votes in both houses of the Wisconsin Legislature. Not only did that legislature understand the potential disastrous effects the GATT might have on our State's economy, I believe our State legislators understood the implications that limiting fast-track procedures would have on the notion of representative government itself.

Mr. President, I do want to be candid in stating that though I am concerned about the fast-track authority for GATT and all trade agreements from this fundamental point of view, I am also deeply concerned about the impact of the current GATT agreement on a very important industry in my State and in the President Officer's State; namely, dairy production and manufacturing.

The dairy industry has been struggling for years with the problem of supply-demand imbalance and the resulting price instability which has wreaked havoc on the income and livelihoods of dairy farmers in our State. Wisconsin has 31,000 dairy farmers who produce nearly 20 percent of this Nation's milk supply. Dairy represents a $10 billion industry in Wisconsin. They are among the most efficient producers in the country, making milk at a lower cost than most other producers in the United States. And yet it is difficult for the producers in my State to make a decent wage for their labors.

The industry has for years tried to put an end to the price and supply instability in their industry. A surplus of just a few percentage points can send dairy prices tumbling. It is a fragile balance upon which thousands of livelihoods are hanging. We have a price support program which attempts to manage those surpluses, but many say that program is inadequate for balancing domestic supplies. It is, however, the only support program we have.

The current GATT agreement will essentially nullify what remains of our domestic support program for dairy, pushing thousands of milk producers off the farm. By allowing more subsidized exports into the country, we will lose any ability to control our domestic surplus.

The basic problem is that we do not begin with a level playing field. The Europeans have provided their dairy industry with high subsidy levels, and although the GATT negotiators, I know, have sought reductions in subsidy levels, our competitors will be allowed to maintain support levels substantially above that of U.S. producers. When we talk about reducing subsidized exports, as the United States did during the Blair House accord with the EC, we have to consider the baseline.

In 1991, the United States exported roughly 174 million pounds of processed dairy products, but the EC exported nearly 2 billion pounds of the same product. Mr. President, those were subsidized exports, of course, since the milk price in the EC was roughly $10 higher than the world price.

Clearly, a mutual reduction in the quantity of subsidized exports of 21 percent, as was agreed in the Blair House agreement, will merely continue the trade disadvantage that we have with the EC dairy industry.

Under the most recent version of the GATT deal for agriculture, U.S. dairy procedures will be irreparably harmed.

We currently control the influx of subsidized EC exports of dairy products through our section 22 quotas. Currently, those quotas allow about 2 percent of domestic commercial use to be imported.

Under the GATT draft, the United States would be required to change those quotas into tariffs and then gradually reduce those tariffs. Essentially, we will be opening up our borders to large quantities of subsidized EC exports. I do not understand what forces compel our GATT negotiators to negotiate such a bad deal for U.S. dairy producers, but I do know that this agreement would completely destabilize our domestic market and that it has to be modified if we want to maintain a domestic dairy industry in the future.

Mr. President, the impact upon the dairy industry from the current GATT agreement is simply one example why we should not surrender our ability to offer amendments to trade agreements that are presented to the U.S. Senate for approval. There may be many benefits to negotiating international trade agreements, I do not doubt it, but they should not come at the cost of surrendering our ability to protect American consumers in critical industries, such as the dairy industry, from the fundamentally unfair trade practices of our competitors. And they should not come at the cost of surrendering our responsibility as elected officials to make fundamental policy decisions. I am not willing to abdicate those responsibilities for the mere expediency of getting a trade agreement approved, and I will vote against this legislation.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. Mr. President, I yield 10 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware [Mr. ROTH] for 10 minutes.

Mr. ROTH. Mr. President, I rise in strong support of renewing fast-track procedures for the Uruguay round of multilateral trade negotiations.

I believe the decision on whether to renew fast track for the trade talks boils down to one fundamental issue—providing our President the authority he needs to significantly bolster and strengthen our position in the world economy as the world's largest trader. This is what the GATT trade talks are really all about—expanding U.S. trade opportunities worldwide by opening markets and establishing fair, predictable, and more comprehensive rules for conducting trade.

Opponents of both the GATT talks and fast track seem to think we can just shut ourselves off from the rest of the world and that we have nothing to gain from a successful conclusion to the Uruguay round. But looking at the facts demonstrates just the opposite—U.S. jobs and economic growth are increasingly dependent on the world economy. Rather than hiding from it, we need to seize and rise to the challenge of meeting the global competition head on. And the Uruguay round potentially offers us a much better environment in which to do that.

I would like to say a few words on some basic facts. No. 1 is that U.S. exports are critical to creating and maintaining jobs at home. It is estimated, for example, that U.S. merchandise exports have saved 4 million jobs since 1985. Moreover, total merchandise exports account for over 7 million jobs, and they are good-paying jobs—17 percent above the average U.S. wage.

We also happen to be the world's largest exporter of services, over 167 billion dollars' worth last year. And these export-related jobs are not simply flipping hamburgers across oceans. Quite the contrary. U.S. service exports more often than not are in areas such as computer software, banking, insurance, and engineering.

Congress is famous for grandiose speeches on eliminating unfair trade practices and gaining greater market access overseas for U.S. goods and services. The Uruguay round presents us the opportunity to put these words into practice in the most ambitious manner ever contemplated.

For the first time, we are seeking multilateral rules to protect U.S. intellectual property rights, the pirating of

which currently costs us an estimated $60 billion every year. We are also aiming to liberalize and create rules to govern trade in services, which now accounts for one-third of total global trade. We are striving, after many failed past attempts, to reduce the enormous distortions in agricultural trade, distortions which grew by 7 percent last year at a cost of $354 billion. We hope to gain much greater overseas access for manufactured goods as well.

These are just a few of the potential trade benefits to be gained from a successful Uruguay round agreement. And they add up to an estimated increase in U.S. output of $1 trillion over 10 years, according to the USTR. That translates into an increase of $17,000 in income per family of four.

No one pretends that reaching a final agreement will be easy. Expectations remain high and Congress has set forth explicit negotiating objectives to be achieved in a final agreement; the Finance Committee reaffirmed and elaborated on these objectives in a letter to the President just last week. Not only must the President bring back a substantial market opening package that covers agriculture, manufactured goods, and services, but he also must improve the current Dunkel draft in key areas.

Some do pretend, however, that Congress has no say or role in the trade talks by virtue of fast-track procedures. I believe this is disingenuous because fast track is not simply a blank check that is handed over to the administration. Congress has been, and remains, a full and active participant in the trade talks in a variety of ways, including through the close consultative process that has been established under fast-track procedures. Above all, Congress will be the final judge of the Uruguay round. Obviously, it would be foolhardy for the administration to submit an agreement that ignores congressional concerns, and those of U.S. workers and industry, for the simple reason that such an agreement would not be supported by Congress.

Before concluding, I would like to say it is critically important that the G–7 economic summit in Tokyo next week result in a concrete breakthrough on the market access component of the Uruguay round. This is not a time for continued declaratory statements. It is a time for action, and all eyes will be on the summit for real progress in this area.

In giving the President the fast-track authority he has requested before he travels to Tokyo, the United States will demonstrate its continued commitment to concluding the round this year. I certainly hope that our G–7 partners will demonstrate their commitment as well by agreeing to a serious market access package at the summit.

It is not terribly surprising that the Uruguay round has been 7 years in the making, especially when one takes into account that the last round of trade talks, which was much less ambitious and less complex, took 6 years to finish. Nevertheless, 7 years is long enough, and it is my view that, if we do not conclude the talks this year, there will be little or no enthusiasm for concluding them at all.

While many deadlines have come and gone on the Uruguay round, it is my hope that the December deadline will be the one that is finally met. In fact, I hope we not only wrap up the current round, which is dealing with issues of the 1980's, but we move forward to launch new multilateral negotiations on the trade issues that are relevant to today's decade, such as the linkages between trade and competition policies, and trade and the environment. By approving an extension of fast track, we will show our trading partners our commitment to moving forward on these fronts, and I urge my colleagues to vote in support of S. 1003.

I yield the floor.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia [Mr. ROCKEFELLER].

Mr. ROCKEFELLER. Mr. President, the distinguished floor manager of the bill is not here, and I would make so bold as to ask unanimous consent that the junior Senator from West Virginia be allowed to proceed for 6 minutes.

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

Mr. ROCKEFELLER. I thank the Chair very much.

Mr. President, I support the bill before us today which will extend the so-called fast-track trade negotiating authority in order to permit the President to try to conclude the Uruguay round of trade negotiations by December 15, 1993. The President's previous authority expired this past June 1, and he presently does not have legal authority either, to negotiate the round or to bring its result back to the Congress under any special procedures. He is caught in a difficult situation.

He deserves the chance to conclude the round under the same rules and procedures as his predecessors, which this bill would provide. Let me also express the hope that we will be able to enact this bill without amendment and send it to the President before the economic summit as a sign of congressional confidence in our negotiators.

The so-called fast-track process for considering trade agreement implementing legislation was initially developed in the Trade Act of 1974 in response to complaints from our trading partners, as well as our own executive branch, that the United States could not credibly negotiate in a situation where Congress could unravel a completed agreement by rejecting or amending any specific provision of it. This concern was prompted in part by Congress' rejection of the Antidumping Code that was negotiated in 1967.

The process devised was a specific, time-limited grant of negotiating authority to the President with the proviso that an agreement concluded and submitted within the time period would be considered by Congress without amendment. This procedure was followed with respect to the Tokyo round in 1979 and the United States-Canada and United States-Israel Free-Trade Agreements in the 1980's, and a method of operation evolved in which the two committees of primary jurisdiction, Ways and Means and Finance, in consultation with the other committees and with the administration, would informally draft an implementing bill and give it to the President with the recommendation that he submit it as his legislation. Once formally submitted, of course, it could not be amended, either in committee or on the floor.

The implication, of course, was that if the President submitted the bill we had given him, we would almost certainly pass it; whereas if he submitted something significantly different, the result might not be so positive.

On the whole, this procedure has worked well on the three occasions when it has been employed, although it is fair to say that none of those agreements was as controversial as either the NAFTA currently is or as the Uruguay round could well be.

That said, Mr. President, it should nonetheless be emphasized that this is authority Congress should not grant lightly. Under the Constitution, our authority to regulate interstate and foreign commerce is clear, as is our authority to work our will on legislation submitted to us or initiated by us. Fast-track authority is essentially a limitation on those rights that is justified by the extraordinary complexity and interdependence of the agreements under consideration.

Since they are inevitably a collection of mutual concessions, each dependent on the others, action by Congress to remove one of them would threaten the entire fabric of the agreement.

Over the years, Congress and the executive have developed mechanisms for close consultation and coordination during the pendency of the negotiations and in the preparation of implementing legislation in order to provide assurance to Members of Congress that their concerns are being heard and taken into account by our negotiators.

On the whole, this has been a successful process, and I think it is fair to say that our current negotiators, Ambassador Kantor and his staff, have taken it to heart and have been exceptionally thorough and responsive in their consultation with Congress. In saying that, I do not refer only to the Finance and Ways and Means Committees. Ambassador Kantor has been

available to virtually everyone here who wanted to talk to him, and he or his top aides have provided frequent briefings and consultations to anyone interested.

Given that history, Mr. President, and the clear intent of the current negotiators to continue the tradition of cooperation, I think it is entirely appropriate to renew fast track authority. That judgment is also made easier by the fact that it is for a limited period—the talks will have to conclude in less than 6 months—and that all parties are indicating this will be the last renewal. The round will either be finished on December 15, or it will be abandoned.

Under those circumstances, I think it is entirely appropriate to give our new President a chance to conclude the round under the same rules and procedures as his predecessors. President Clinton has indicated a commitment to the round and has adopted policies similar to those of his predecessors, and he deserves no less than the same process for trying to achieve the objectives we all share.

Now, having expressed my support for an extension of fast-track, Mr. President, I would not want anyone to conclude that support means unqualified support for whatever the administration brings back from Geneva. As Senators may know, I have long had serious reservations about the round, as virtually all of us have had for some time. In fact, in the Finance Committee there is a bipartisan discomfort with the Dunkel draft. It would be my guess that if the Finance Committee had a note on the Dunkel draft, there would be bipartisan opposition, and it would not get out.

Potentially, however, the round holds out the promise of significant gains for the United States, particularly in better rules on intellectual property and improved market access for our goods and services.

Although, I would certainly not cite the thoroughly discredited numbers used by the last administration to justify the round.

At this point, however, these gains are more theoretical than actual. The intellectual property rules have a number of problems and by virtually all analyses are inferior to those we have negotiated in the NAFTA. Similarly, negotiations over services and market access are not concluded, and it is increasingly problematical whether we will be able to obtain what we want from them without concessions that for many of us would be far greater than the benefits.

In the case of West Virginia, I am concerned about chinaware and glassware, two of our important industries which risk being put on the block by our negotiators. The magnitude of tariff cut offer being contemplated for these industries—50 percent—is so great it will destroy them, pure and simple. I have repeatedly urged our negotiators not to sacrifice these industries under any circumstances, particularly since the biggest beneficiaries will not be the Europeans, with whom we have been negotiating, but other nations that have yet to put much on the table.

In addition to those uncertainties, other areas of the current draft text pose serious dangers for us. The dispute settlement, antidumping, and subsidy provisions in particular are in some important respects worse than the status quo for American manufacturers because they would cripple our ability to enforce our own laws against unfair trade practices.

Compared to other countries, we are an open and transparent society. We do not use secret market sharing agreements, such as those recently revealed in the steel sector, to control access to our markets.

We have developed laws that are consistent with current GATT rules to enforce market discipline and deter unfair trade practices, and we have made sure those laws are accessible, fair, and objective.

These laws are inconvenient for the foreign producers who want to engage in predatory actions to capture our market and for the foreign governments who seek to export their unemployment to American workers through massive subsidies, such as has occurred in steel, and every time an American industry wins a case we hear a chorus of complaints, usually led by the European Community, against our laws and American unilateralism. We should, however, not allow this propaganda campaign to deter us from our interest in defending our own producers against unfair trade practices, and we should not allow it to persuade our finding partners in the Uruguay round negotiations to change the rules to our disadvantage.

In retrospect, we should not be surprised by this tactic. Unable to win here every time, because they are guilty of the practices of which they have been accused. Our adversaries are now busy in Geneva trying to force us to change our rules. Unfortunately, a review of the current draft text suggests they have made some progress.

An unclear standard of review for dispute settlement panels, adverse or incomplete language in areas of dumping practice like cumulation, standing, sunset, cost and profit methodologies, de minimis exceptions, and loophole-ridden language defining subsidies all would leave our industries worse off than they are now.

When this text first appeared in 1991, then-Senator Lloyd Bentsen told Ambassador Hills it would not pass the Congress and would have to be changed. He was right then, and he is still right.

To their credit, both the Bush administration and the Clinton administration have taken this same position and have insisted on changes in the draft text in the areas I mentioned. I expect those issues to be joined following the economic summit.

Over the years, the Finance Committee, as well as numerous individual Senators, have conveyed this concern about the round directly to the current administration and its predecessor, as well as concerns on other matters in the draft text.

I was pleased to see the Finance Committee continue that effort in the detailed letter taken in hand personally by the chairman of our committee, Senator MOYNIHAN and quite properly sent the President on behalf of the committee the day we acted favorably on the fast-track bill.

That letter, which is based on a resolution that the Senator from Missouri [Mr. DANFORTH] and I drafted, makes clear the committee's interest in a successful conclusion of the round on terms favorable to the United States and then proceeds to spell out what many of those terms would be.

But the chairman felt, I think very wisely, that it would be better to follow the tradition of the Senate Finance Committee and to have the chairman send that as a letter from him.

It is an excellent letter. I congratulate the chairman on his decision.

Sending such a message of negotiating objectives is important, Mr. President, for many of the reasons I have mentioned.

When the Congress delegates part of its constitutional authority to regulate interstate and foreign commerce, it has historically also provided the President detailed advice on what to do.

We last did that in 1988. In the 5 years since the Uruguay round negotiations have produced the draft text I mentioned, which both the past and current administrations as well as many in Congress have criticized.

It is certainly appropriate, 5 years down the road, for the committee to update its advice to the President and to give him negotiating objectives that take the current draft into account. Indeed, if the committee did not do so, we would not be fulfilling our responsibilities.

I believe that taking this step also plays an important role in reinforcing the President's position in the negotiations by reflecting a strong, united Congress standing behind him.

The language of the letter, which was developed after extensive consultation with many senators on and off the Finance Committee, is designed to endorse positions that both Ambassador Hills and Ambassador Kantor have already taken.

In other words, we are not plowing new ground here but rather trying to demonstrate a consensus behind what

the administration says it wants to do. That, I would add, is also precisely what most of us in this body have regularly told the administration we want.

I mention the letter at some length, Mr. President, because I want Senators to know that the consultation process is alive and well, and that the Finance Committee has anticipated the concerns that many Senators have about the text and given these further objectives to the administration. While we have not covered every specific issue, we have touched on virtually all the important ones and in doing so, I believe we have accurately reflected the sense of this body with respect to the current state of the negotiations.

In view of that letter, Mr. President, I think we should go forward with this bill without amendment. It is essential to the future of these negotiations that we send this legislation to the President before the economic summit next week so that he can tell our trading partners in Tokyo that the United States is committed to the round's conclusion and has taken the necessary legal steps to allow that to happen.

If we do not act promptly we would cripple the round's chances, and, while I may well ultimately have to oppose an agreement if it is a bad one, I do not believe we should terminate it before there is a final version to review.

Accordingly, I will support this bill without amendment and urge others to do likewise.

I thank the Chair, I thank the distinguished chairman of the Finance Committee.

Mr. MOYNIHAN. Mr. President, may I say to our able, indefatigable Senator from West Virginia, it was an excellent letter because he and Senator DANFORTH drafted it. It was sent on behalf of the full committee. We had a very fine response from Ambassador Kantor on behalf of the President.

I want to thank the Senator for that.

Mr. PACKWOOD. Mr. President, I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. GRASSLEY. Mr. President, I am going to vote for fast track, and I do it without any hesitation whatsoever. I think it is good policy for our country.

As each of us knows, the Uruguay round is, of course, a very ambitious and complex negotiation, perhaps the most ever undertaken to open global markets and to energize world trade.

For the United States a strong and vibrant international trading system is critical to ensuring both U.S. and global prosperity. The extension of fast track is an important ingredient leading us to this prosperity.

I think we ought to dispel notions that an extension of fast-track procedures robs Congress of the power that we have under the Constitution, article I, to regulate commerce with foreign nations. I have heard too many comments in Congress as a whole, or even outside of Congress, that fast-track authority relinquished too much of Congress' authority to the President of the United States.

The fact of the matter is, Mr. President, Congress' role is safeguarded by provisions embodied in the 1988 Trade Act. They are numerous, but some of the most important are that Congress spells out in our act specific objectives that the President must fulfill when he negotiates trade agreements. It is not wide-open negotiation.

The President must obtain special permission from Congress to negotiate any non-GATT agreement, such as plans for the United States-Mexico Free-Trade Agreement and others.

The President must consult constantly with the Congress during trade negotiations, or the House and Senate can rescind fast-track authority by a majority vote under what is known as reverse fast track. And whether it was Mrs. Hills or now Mr. Kantor, we know all have done a very good job of keeping us fully informed, particularly those of us on committees so affected.

Another safeguard is that Congress ensures that there will be public debate of trade agreements. We do this by creating private sector advisory groups made up of representatives from labor, business, agriculture, and Government that consult with the President and report to Congress on the economic effect of every trade agreement that the President will negotiate under fast track.

Then, lastly, a simple rule change in either House of Congress can cancel the President's fast-track authority before, during, or after he negotiates an agreement.

For those people who think we cannot do this or we should not do it for constitutional reasons, I would ask, with the safeguards that are in the act, how much more constitutional authority can Congress reserve for itself and still get a treaty negotiated? Because as a practical matter, as well as the facts of diplomacy, only the President can negotiate a treaty, for surely 535 Members of Congress will never get a treaty negotiated even if they had the constitutional power to do it.

Mr. President, fast track authority has worked well for a long time, particularly over the last two decades. I believe it is imperative that we grant President Clinton an extension of fast-track authority that is about to expire to complete the negotiations in the Uruguay round. In fact, the reality is that the United States cannot effectively promote free trade unless we do this, and unless the United States maintains its credibility through this act for the President to negotiate.

Our goal should be to retain U.S. leadership in the international economic arena. The expiration of fast track means losing economic opportunity for this country. Opportunities to build better lives for all our citizens do not come very often. We do not want to miss this one.

Shakespeare once wrote: "There is a tide in the affairs of men which, taken at the flood, leads on to fortune." We are riding such a tide. This year, 1993, is an important year for international trade, one that will test the cooperation of our trading partners and our executive and legislative branches of Government at home. Coming from a State like Iowa where our agricultural exports are so important—but our manufactured exports even outnumber our agricultural exports—I know the potential that trade has to maintain a prosperous economy, because without this trade and hence without free trade, my State will not have a prosperous economy.

Our best opportunities will come from a comprehensive GATT round and the successful completion of the North American Free-Trade Agreement. The President has asked for fast-track extension without any amendments. I believe this President should be granted the authority in the manner in which he requested. I felt strongly that the potential of amendments to this extension may have drowned the extension request and denied the President the authority he pursues.

We are all aware that the world trading system today is vastly more complex than it was when GATT was written in 1947. The negotiating agenda runs the gamut of the U.S. interests both in opening world markets and in establishing rules of fair trade in areas vital to U.S. competitiveness.

POSITION ON VOTE

Mr. PACKWOOD. Mr. President, I announce that Senator DURENBERGER is necessarily absent from today's vote on the fast-track extension. He is viewing the flooded disaster areas in Minnesota with Secretary of Agriculture Espy. If he were present for this vote, he would have voted in favor of extending fast-track authority.

I ask unanimous consent that his statement be printed in the RECORD at this point.

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

(Upon the request of Mr. PACKWOOD, the statement of Mr. DURENBERGER was ordered printed in the RECORD as follows:)

• Mr. DURENBERGER. Mr. President, I rise in support of extending fast-track negotiating authority for the General Agreement on Tariffs and Trade [GATT].

I have had the opportunity over the last few years to speak at length to the leaders of agricultural and business groups in Minnesota. Based upon those

meetings and discussions with the U.S. Trade Representative, and the leadership of the Finance Committee, I have decided that it is in the best interest of Minnesota and the United States to let the negotiating process go forward.

The benefits of lower tariffs as a result of a successful GATT are very real. The United States—indeed the world—cannot continue with the status quo with respect to international trade.

The issue before the Senate is not a GATT agreement. The question before the Senate is simply: Do we want to grant the President of the United States the authority to negotiate on behalf of the United States for a reduction of international trade barriers against America?

My answer to that question is an absolute "Yes." Fair and reciprocal free trade is the cornerstone of the continued economic success of Minnesota and America.

When President Clinton travels to Japan for the G-7 meeting on July 7, it is important for him to have the fast-track authority. That authority will signal to our leading economic partners that the United States still stands behind its free-trade policy.

If the Senate votes down fast-track authority, we will send a signal to the rest of the world that we are satisfied with current foreign government policies that subsidize foreign agriculture. We will tell the world that theft of intellectual property rights is alright. We will tell the world that service trade should remain protected behind outmoded and outdated national rules. Mr. President, we simply cannot afford to send those kinds of messages.

World trade is so important to the economy of Minnesota, that the State has set up world trading offices in Japan, France, Great Britain, Sweden, Norway, Belgium, and Costa Rica. Approximately 50,000 export jobs in Minnesota are linked to exporting. That includes jobs in farming, mining, manufacturing, telecommunications, transportation, and finance.

With 17 percent of our manufacturing jobs linked to exports, Minnesota ranks ninth among the States in manufacturing employment linked to exports. Export trade is worth more than $8 billion a year to our State's economy—more than 18 percent of Minnesota's total production.

In addition, import trade plays a vital role in Minnesota's economy. In 1990, import and export activities just in the Port of Duluth-Superior supported nearly 3,000 jobs.

Furthermore, one of the most admired companies in America—3M Corp.—is headquartered in Minnesota. Fifty percent of its sales and profits come from sales in the United States and 50 percent comes from outside the United States. One is six of 3M's 23,000 Minnesota employees owes his job to 3M's export activities. Those are jobs in St. Paul, Hutchinson, Alexandria, New Ulm, and Farmington—small towns all over our State. These jobs would not be there without exports.

It is not just the world famous 3M, or Cray, Pillsbury, Cargill, and Medtronics that need open world trade. Companies of all sizes depend on free access to the world market because they manufacture international competitive products. Minnesota farmers need the European Community to cut their domestic support mechanisms and export subsidies, while increasing market access for U.S. commodities.

Mr. President, the Senate does not have before it today a GATT agreement. We are voting simply to allow our Government to negotiate reductions in trade barriers. I am a strong believer in fair and reciprocal free trade—and it is my hope that the Senate will be voting on a fair and reciprocal GATT by the end of the year.●

Mr. MOYNIHAN. Mr. President, I yield 10 minutes to the distinguished Senator from Alabama.

Mr. HEFLIN. Mr. President, I rise in opposition to this bill, which would grant fast-track negotiating authority for the administration to conclude ongoing international trade talks. I oppose this bill not because I oppose the concept of a GATT agreement, but because I oppose the restrictions of fast track.

When members agree to fast-track consideration of trade agreements, they are often forfeiting their strongest tools for directly influencing the agreement. As my colleagues know, fast-track consideration necessitates an up or down vote on an agreement, with no right of amendment.

In my judgment, to give up our right of amendment before final negotiation would be a serious error which does not serve America's overall best interests relative to our trading partners.

Moreover, a Senate vote must occur within 90 days after the implementing legislation is introduced. These circumstances of consideration, while created to increase congressional input into the negotiation process, in my opinion, leave many members without the right of substantial input. I therefore an unable to support extension of fast-track negotiating authority.

Members are further being asked to sign the dotted line before the fine print has been written with regard to the treatment of lesser developed countries. We hear that many of these countries, which are parties to GATT, will receive special concessions under the agreement, but we do not yet know what those concessions will be.

What we do know, however, is that many of these countries produce a good amount of cotton which they would like to export. These countries might be called lesser developed, but when it comes to industries like cotton and other commodities, they certainly will not be seen as less developed for very long under some of the GATT proposals.

In effect, the United States is the only major cotton-producing country in the world which will be held to the terms of any GATT agreement negotiated this year. Yet, we are being asked to give up our rights to influence the terms of that agreement.

Unfortunately, the prospects for other industries such as peanuts and textiles are quite similar to the prospects for cotton under a GATT agreement negotiated under fast track authority.

Estimates indicate that GATT could cost the American and European textile and apparel industries more than 2 million jobs because under the agreement, textile import quotas would be phased out over the next decade. The current Multifiber Arrangement, the set of international agreements that have regulated textile and apparel trade for the last 30 years, would be scrapped in favor of a new system under GATT control. This has been the U.S. proposal for the last several years.

The only different news with regard to textiles is that, unlike the case with cotton, at least we know the grim fate held for the industry if we approve fast-track consideration of a GATT agreement.

Today, however, we are being asked to give up our strongest tool for fighting any inequities, giveaways, or injustices in a potentially GATT agreement. We are being asked to forfeit our right to offer amendments and to forego deliberate consideration of any final agreement.

I am hopeful that this administration will consult seriously with Congress on any GATT agreement, as well as any other trade pacts it seeks to negotiate. Past administrations have not always, in my judgment, worked closely enough with congress to produce the strongest, most mutually beneficial agreements possible. I believe that giving up our rights to influence trade agreements on the floor removes a valuable incentive for congressional consultation.

Therefore, without knowing how some very crucial issues will be resolved, such as the situation with non-GATT and lesser developed countries, I cannot in good conscience forfeit my rights with regard to the terms under which the Senate will consider possible trade agreements. I urge my colleagues not to do so either.

I support the concept of a GATT agreement, but I oppose the restriction of fast track. To give up the right of amendment is a terrific loss to the Congress of the United States, to the elected Representatives, who come from various States, who have different interests. And the right of amendment, in my judgment, is a key in the regulation of foreign commerce, which the Constitution puts with the Congress.

Our own proposals have been before the GATT negotiators. The American proposal would do terrific destruction to many industries. That is our proposal, Mr. President. The Dunkel proposal would also do destruction to many of our industries.

When it comes down to it and we look at the overall value of GATT, we have to weigh the good against the bad. But if we had the right of amendment, we might be able to get rid of a lot of the bad. But we are giving this up.

I want to give you a terrible, unfair example of the loss of the right to amend that has been put forth by the United States in its proposal. It particularly affects my State. This deals with the cotton industry. Our proposal would affect it terribly. And then you realize that the cotton industry's two biggest competitors—and really our only serious competitors—are Russia and China. They are not even signatories to the GATT. The GATT provisions will not be binding on them. This would be, in my judgment, a one-way ticket to disaster, a disaster that could be avoided by an amendment in Congress, but fast track would only speed up the impending disaster.

We are asked to sign on the dotted line before the fine print has been written. We do know what proposals have been made by the past administration, and we will know before long what will be made by this administration. I do not anticipate that there are going to be any great, substantial changes that will come forward. But it is the idea that you sign something before reading the fine print. That disturbs me. There are a lot of lawyers here who say they are going to read the contract. But before we read the contract, we know we do not have the right to change it. We do not even have the right to dot an "i" or cross a "t."

The Constitution was written in a manner to have a bicameral, legislature—two Houses—with the idea of having deliberative consideration. The Senate is supposed to be the most deliberative body of all the parliamentary groups and elements in the world. And we are giving up that right of deliberation with regard to this fast-track authority.

Let me also speak about the textile industry, where we know what is on the table. It would, in effect, do away with the Multifiber Arrangements, which are the sets of international agreements that have regulated the textile and apparel trade for the last 30 years.

In my State, there are over 100,000 jobs in the textile industry, which makes up approximately 35 to 40 percent of all of our manufacturing jobs—these jobs are in the cut and sew operation, and the cotton mills, but primarily in the sewing operations. I went recently to an area in which there has been severe unemployment, particularly among blacks, and where there was a company in which almost every one of the employees was a woman who was sewing, and who was making wages on an incentive basis—a piece basis—and making a substantial wage.

This is just one example. We talk about the fact that this strengthens the President. Well, he has been strengthened for 8 years, and what has the strength given him? I believe in the GATT agreement, but I do not believe that we ought to do away with the right of amendment, especially not in the guise of executive strength.

What nation has had the best trade policy relative to the advantage of its people during the last 30 years? If you stop and think, it has to be very clear that it is one country—Japan. What has been the policy of that country? That country has taken care of certain industries, but we have never learned to look at a country that has prospered and see what is good and what is bad. Still, we can operate under the basis of free trade, but we can adopt certain provisions that could be helpful to us as we look forward.

I was in England last year, and I talked to the minister who deals with economic policy, Mr. Lamont. He had announced the day before—it was in the newspaper—what his program was. He was lowering interest rates. He had a provision which was most unusual and attractive to me by which he was advocating that they adopt a 40 percent deduction the first year on all new equipment and buildings. It was, basically an investment tax credit, by giving 40 percent of depreciation in the first year.

We talked about it, and he went on and said, "I think lowering the interest rates is going to help the most."

I said, "You are offering here 40 percent on the first year. That is somewhere in the neighborhood of a 12 to 15 percent investment tax credit in the United States. Will that not spur your economy?"

He said, "No, it will not have much effect."

I said, "Why is that?"

He said, "Well, England has ceased to be a manufacturing country; 15 percent of our jobs now are in manufacturing." They have moved out of this country.

So I said well, we look at some of our trade agreements and particularly the North American Free-Trade Agreement, where there is every incentive to relocate, where 59 cents an hour is the minimum wage, where there is no OSHA, no workman's compensation, no unemployment compensation programs, and no Clean Air Act.

And, by the way, I remember the debate on acid rain. We heard how the chemicals traveled from the Midwest to Canada and the New England States, some 1,000 to 1,500 miles, and deposited the emissions causing the damage. We heard many people argue the scientific evaluations of how that happened.

What will a smokestack industry in Mexico do to some of these same areas?

To me, giving up the right to amend is a terrible loss. It, in effect, keeps us from being a deliberative body, and I think it is a big mistake. I think the GATT ought to be encouraged. We ought to have a fair GATT but I do not think that we, as the body charged under the Constitution with regulating foreign commerce, ought to give up that right that the Founding Fathers felt should be vested in the Congress of the United States along with the President.

So I oppose the fast track. I am for a GATT. We can have a GATT. But it does not mean that we have to accept it before the fine print is written.

Therefore, I oppose the loss of the right of amendment and oppose the fast track.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PACKWOOD. Mr. President, I yield 5 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Rhode Island is recognized [Mr. CHAFEE].

Mr. CHAFEE. Mr. President, I support the fast-track authorization. What does it do? It gives the President the ability to negotiate trade agreements to bring them back to Congress with a yes or no vote, with no amendments allowed.

In return, the President has pledged and, indeed, he had in connection with this through his Special Trade Representative consulted closely with Congress all along the way.

Mr. President, this is not a Republican measure. This is not a Democratic measure. When President Bush was here, we gave him this authority. I believe strongly we ought to give this same authority to the Democratic President, President Clinton.

Why is all this necessary? Because it would be virtually impossible for the President to negotiate with our trading partners if, when the negotiations were concluded and brought back to Congress, the Congress could renegotiate the agreement by picking it apart bit by bit by endless amendments.

No trading partner would ever bother to begin politically difficult negotiations in which that partner would have to make concessions in the agreement and then found that was the floor that started when the agreement came back to Congress and it was negotiated more favorably toward the United States ever thereafter once it got into this Chamber. So we would have 535 special trade representatives.

Mr. President, President Clinton's administration needs this authority if it is going to bring the long running Uruguay round to a successful conclusion. I might say I hope this round will be approved because what it will do is bring into being a new international

trading system with frameworks on agriculture, on services such as financial services, and on intellectual property.

This successful conclusion of the Uruguay round is economically important not just to our Nation but to the world at large.

So I urge my Democratic colleagues, have some confidence in your Special Trade Representative, Mr. Kantor. He has been appointed by your President and I do not think he is going to sell you down the river.

Some have deplored the fact that Congress seems to be giving up some of its powers in connection with this fast-track procedure, and that is true. Some of the powers are given up, and they are given up for good reason. And it is not the first time. For example, we have discovered in trying to close military bases that you cannot close any military bases if you allow amendments to the agreement that has been reached in connection with the closure proposal.

So, we have, in effect, a fast-track procedure for base closures. What does it do? It says that when the President sends it here after receiving the Base Closure Commission's report it comes to Congress and you vote up or down, yes or no. If you do not like it, vote no. If you like it, vote yes. Otherwise, I think we all recognize there would not be any military base closed as a result of the amendment process in this body.

So let us give the President, President Clinton, a Democratic President, the tools he needs to complete the Uruguay round.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I yield the remainder of our time to the energetic and eloquent Senator from South Carolina.

I have to say it is only 9 minutes but with his extension we will give him more.

Mr. HOLLINGS. That is plenty.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. HOLLINGS].

Mr. HOLLINGS. Mr. President, I thank the distinguished chairman of our committee and I thank the distinguished Chair.

As to confidence in a President, we have not had confidence in any President relative to these particular trade agreements because we continue to lose.

As the Senator from Texas was saying, he agreed with the Bush trade policy because that brought the fall of the wall. I had heard that President Reagan had built up our national defense, and we were veritably in an arms race and, with that arms race, obviously that impoverished, if anything, the Soviet Union.

I never heard that the trade deficits that we ran up the particular foreign external debt that we ran up during that 12-year period really had brought down the wall. The fact of the matter is that we ran up a foreign debt of some $890 billion and we had a trade deficit when President Reagan took office of only $25 billion, despite the impact of the terrible OPEC oil shock that we had in 1979 where the price of a barrel jumped from $22 to $44.

Thereupon, in 1981 they came in with this policy of free trade, free trade, and we began running up trade deficits annually all the way up to $185 billion, an average of $100 billion of 10-year period and we have added $1 trillion in deficits in the balance of trade.

Now, Dr. Lester Thurow of MIT testifies that imports of $44 billion represent a million lost U.S. jobs. That is generally the formula. So, everybody talks how we created 17 million new jobs; we lost at least 22 million jobs with these deficits in the balance of trade due to so-called free trade.

That is what has wrecked the economy and not the Berlin Wall. I think we ought to make that absolutely clear.

With respect to the matter of free trade, we support it with countries with the same standard of living, like Canada. This particular Senator supported the United States-Canada Free-Trade Agreement because we do have relatively the same standard of living. Incidentally, my textile industry opposed it. My textile industry now favors NAFTA, the ATMI favors that and I oppose it. In October 1990, the Secretary of Commerce went over the Los Angeles with the Secretary of Commerce from Mexico, and Secretary Jamie Serra Puche touted the fact that United States industry could save $15,000 per worker by moving to Mexico. Thereupon, we had running up until April of this year the advertising program of Mexico with the punch line:

I cannot find good, loyal workers for a dollar an hour within a thousand miles of here. Yes, you can, in the Yucatan.

"I can't keep my labor cost down, my turnover rate low, my standard of living high."

"Yes, you can, in the Yucatan."

"You can't cut labor costs 300 percent in 90 minutes."

"Yes, you can, in the Yucatan."

"You could save over $15,000 a year per worker." "You could save over $15,000 a year per worker." "You could save over $15,000 a year per worker."

That was exporting of jobs in this administration. That is what I want to change, I say to the Senator.

The textile industry can be very naive. They have rules of origin they do not understand from siccum.

Right here it says: "Manufacturers that export to U.S. market would obviously benefit by moving or locating in Mexico."

I quote here:

Where their products crossing the border north would not be subject to tariffs, of course the number of new factories built in Mexico by Japanese companies will grow. Moreover, since Mexico will be concerned about being overwhelmed by the gigantic U.S. economy, it is likely to want substantial Japanese investment as a counterbalance.

So they are all going.

Consider these newspaper headlines:

"With an Eye on NAFTA, U.S.-Mexico Firms Join to Provide Real Estate Services." "Hong Kong Companies Are Also Ready to Cash in on NAFTA." "China Considers Establishing Textile Plants in U.S. and Mexico."

You can go right down the list. It is not that jobs from South Carolina are moving to Mexico. They are going to die on the vine, that is what is going to happen. Those investors will all invest in that free-trade platform, duty-free platform, down there in Mexico.

And so it is, Mr. President, that in trying to help our neighbor Mexico develop a middle class, develop a free election, develop the infrastructure of a free society, the Mexican oligarchy which the London Economist says is a perfect dictatorship, controls those wages and is going to keep them down to $1 or less a year.

With the worker 15 years of age or less in the population of Mexico, with a million young workers coming in annually, with statistics that 12-years-olds cannot find jobs, what really happens is that they continue to keep wages down.

Volkswagen, from Germany, went down to Mexico last year, attracted by control of the labor unions, what they called the solidarity "El Pacto," that is the commitment of the Government to control wages. What happened was, Volkswagen got 14,000 workers and 300 wanted to start their own labor union.

Do you know what they did? They closed the plant down and then rehired 13,700 and let 300 never get rehired. They lost their jobs.

That is what they call control, and that is what we are facing, naively thinking we are going to develop a democratic Mexico. We are going to develop the dead seeds of violence and discord itself down there in Mexico.

Mr. President, our Founding Fathers created a constitution that for over 200 years has been the foundation of our democratic Government. They carefully drafted a separation of powers in order to ensure that people would be protected from the arbitrary decisions of a Federal Government that did not reflect the will of its people. In article I, section 8 of the Constitution, the Founders vested the Congress with the responsibility to regulate foreign commerce. Article I, section 8 says, "The Congress alone shall regulate foreign commerce," not the President, not the National Economic Council, not the U.S. Trade Representatives, but the Congress. In fact, Madison stated quite clearly,

It should never be forgotten that the great object of the Convention was to provide, by

a new Constitution, a remedy for the defects of the existing one; that among these defects was that of a power to regulate foreign commerce; that in all nations this regulating power embraced the protection of domestic manufacturers by duties and restrictions on imports. * * *

Mr. President, for the past 20 years, we have shirked our constitutional duty and ceded our authority in trade matters to the executive branch and the "K" Street Washington lawyers. Mr. President, you and I have been silenced. Forget the fact that in a global post-cold-war economy, our trade policy is no longer an appendage of our strategy to contain an expansionist Soviet Union. Instead, it is an essential component of domestic economic policy. Mr. President, Mark Twain said "the truth is precious, it must be used sparingly." Well, for the last 12 years in this town, it was hardly used at all. The Republican crowd that ran this town gave us two big lies. One, that you can eliminate the deficit by cutting taxes and not pay the bills. And two, that if we submit to unilateral disarmament on trade matters, it would result in a golden era for consumers. Instead, Mr. President, we nearly destroyed the middle class in this country. We saddled them with a billion-dollar-a-day interest tax and we shipped their jobs to Mexico, Singapore, and China. No analyst, no talking head has articulated this better than my Republican friend, Kevin Phillips. Read his two books, "The Politics of Rich and Poor" and "Boiling Point," and you will understand why this country kicked out the read my lips crowd. Phillips lays out in great detail how the middle class, the backbone of this country, is being destroyed by voodoo economics and a trade policy rooted in the verities of 18th-century England rather than 21st century aggressive capitalism.

Mr. President, President Clinton came to town to help rebuild the middle class. Change was the operative word, change Washington, change the hostility to Government—"reinvent Government" to work for the people, change our Nation's foreign policy. But instead of change, what we are asked to do here today is give this administration carte blanche to enact the Reagan-Bush trade policy.

Two years ago, we were told that we could not complete the Uruguay round without fast track. Yet, here we are, 2 years later and we are not any closer to completing the Uruguay round, and I bet we will not complete it by December 15 of this year. But the key point is, why should we be so desperate to complete the Uruguay round? It was conceived in the irresponsible eighties and reflects the Reagan-Bush bias against manufacturing because it negotiates away the interests of manufacturing to secure rights for the service-sector crowd who ushered in what Felix Rohatyn termed an unprecedented decade of speculative frenzy, a casino-style capitalism.

Mr. President, the Reagan-Bush team disdained the notion of government picking winners and losers. Yet, by starting the Uruguay round, that is just what they did. The big winners were going to be the service industries. The crowd who gave us junk bonds, whose takeover frenzy saddled our basic industries with tremendous debt loads while they collected millions in advisory fees. Mr. President, the losers are the industries that provided good-paying jobs to average Americans so that they too could share in the American dream. These industries, such as automobiles, steel, machine tools, textiles, industries have been weakened by an onslaught of predatory trade practices. These industries would be sacrificed to get the Pacific rim to open their market on financial services. We are supposed to weaken our laws that attack market-distorting practices such as dumping and subsidies, to get the developing world to agree to protect the patents of the pharmaceutical industry, we are supposed to give up the textile and apparel industry, the largest U.S. employer of women and minorities.

Mr. President, it is time we sober up and send a message to the world that Uncle Sam will not be played for Uncle Sucker. For 45 years we made the concessions that sustained the Western alliance in its struggle against totalitarian oppression. Now, in order to promote the goals of democracy abroad, in order to lead, we must rebuild our economy. We cannot do this by rushing into an agreement that hastens the decline of our manufacturing base.

Mr. President, we are being told that the successful completion of the Uruguay round will increase our gross domestic product by $1 trillion. This is the same unrealistic nonsense that we were told in the Tokyo round, when the U.S. Trade Representative estimated that we would gain $35 billion, instead the GNP suffered a net loss of $1 billion.

Specifically, lets look at the costs of the Uruguay round. The Wharton School estimates that the proposed 10-year phase out of the Multifiber Arrangement will result in the loss of 1.4 million jobs. Add on top of that the proposed cut in textile tariffs and you will literally destroy hundreds of towns across America. And who are the beneficiaries: a coalition of industries pushing the so-called zero-for-zero option—industries such as paper, wood products, pharmaceuticals, and nonferrous metals, industries that are not labor intensive, industries that will not absorb the thousands of women and minorities who will lose their jobs.

But, it is not just textiles and heavy industry that will lose. It is the high-technology industries that have captured the imagination of the administration. Mr. President, high-technology industries have come under assault for massive dumping and targeted subsidies in semiconductors. Japanese companies absorbed billions of dollars in losses in flat panel displays. A Toshiba executive expressed a willingness to absorb 5 billion dollars' worth of losses. Our new technology policy must be backed up by a tough trade policy that encompasses the swift use of our dumping laws and countervailing duty laws, as well as vigorous use of section 301. However, if the current text of the GATT is agreed to, our rights to enforce our own trade laws would be significantly diminished.

Mr. President, I support the administration's ambitious technology policy. In fact, I not only support it, I am the author of S. 4. and I am the one who is working to pass it. But, if the current draft text is adopted, cases like Micron Technologies recent victory over the Koreans' dumping of computer chips would have been thrown out by the Commerce Department.

Mr. President, you cannot have a strong technology policy without a strong trade policy. It is my hope that the administration will truly adopt a program of change and change the Bush trade policy.

Mr. President, I ask unanimous consent that a briefing paper by Mr. Jeff Faux on NAFTA, "The Failed Case for NAFTA; the Ten Most Common Claims for the North American Free-Trade Agreement and Why They Don't Make Sense," be printed in the RECORD.

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

[Economic Policy Institute, June 1993]

THE FAILED CASE FOR NAFTA; THE TEN MOST COMMON CLAIMS FOR THE NORTH AMERICAN FREE TRADE AGREEMENT AND WHY THEY DON'T MAKE SENSE

(By Jeff Faux)

INTRODUCTION

In the debate over the North American Free Trade Agreement [NAFTA], serious people on both sides now agree that there will be costs to both the economy and the environment of the United States. There is disagreement over the extent of the potential damage. But even supporters admit that jobs will be lost, incomes reduced, environmental standards undercut, illegal immigration increased, and drug traffic expanded as a result of the further opening up of the border with Mexico.

Those who support NAFTA claim that the overall economic benefits to the U.S. will make these costs and risks worthwhile. Those who oppose NAFTA say they will not.

No one, of course, can predict the future. And we should always be suspicious of economists—who cannot tell us what interest rates will be next week—confidently predicting what the results will be years from now of a complex international deal for which there is no historic precedent. NAFTA is inherently a gamble.

For several years, the U.S. and Mexican interests lobbying for NAFTA have spent millions of dollars in research in an effort to find convincing evidence that the gamble is

worth taking. They have failed. Not only have they been unable to make the case for NAFTA, much of their research supports the case against it.

It is now apparent that the benefits of NAFTA will go primarily to those Americans who invest in Mexico and to a small part of the U.S. labor force that is already enjoying high incomes. In the first few years costs will largely be borne by low- and medium-skilled people in a variety of industries, such as autos, electrical machinery, trucking, agriculture, apparel, food processing, furniture, glass and cement, toys, sporting goods and other consumer products. In the long term, the rippling effects of NAFTA will reduce the real incomes of a majority of U.S. workers.

Unfortunately, few have taken the time to examine the evidence for the extraordinary claims being made for NAFTA. As a result, unsupported economic predictions and appeals to abstract ideology are accepted at face value by journalists and members of Congress. The assertion that "most economists" believe that more unrestricted trade with Mexico will be good for "everyone" in an unspecified "long run," goes unchallenged. As does its increasingly shrill implication: that those who oppose NAFTA are simply ignorant of economics or, as some would have it, somehow "against Mexico."

Such demagoguery is designed to allow NAFTA supporters to make NAFTA's opponents the focus of the debate, therefore escaping their own responsibility for shouldering the burden of proof, which is always on those who are proposing a new policy. NAFTA supporters have good reason not to want to debate the proposal in any detail, as the following discussion of the ten most common claims for the proposed agreement will show.

NAFTA WILL CREATE MORE JOBS THAN IT DESTROYS

The NAFTA debate has provided many opportunities for the misuse of statistics. The U.S. Trade Representative, for example, supports his claim that NAFTA will create huge numbers of jobs by referring to estimates of U.S. job gains from exports, without reference to the job losses from imports or from the diversion of investment from the U.S. (USA Today, May 27, 1993, p. 15A). This is like confusing gross sales with net profits. He also makes unsupported promises about job increases and then counts those jobs as lost if NAFTA does not pass—even though those jobs were never found (Lee 1993a).

The most serious piece of evidence offered for the claim that NAFTA will create a net job gain for the U.S. is that after the Mexican government reduced its trade barriers in the mid-80s, U.S. exports to Mexico improved, and since 1991 we have been running a trade surplus with Mexico. NAFTA supporters multiply this surplus by a standard jobs-per-exports factor and conclude that this "free trade" is creating hundreds of thousands of jobs, and that more free trade will create more jobs. This claim is misleading for several reasons:

Much of the U.S. surplus with Mexico comes from the overvalued Mexican peso, which is artificially making U.S. exports cheaper and Mexican imports more expensive. After the next Mexican election in 1994—if not sooner—the peso is likely to fall, and with it the U.S. trade surplus. NAFTA advocate Gary Hufbauer of the Institute for International Economics, for example, anticipates a devaluation in the ten percent to twenty percent range sometime after the Mexican election in 1994 (Journal of Commerce, March 2, 1993, p. A1). A ten percent devaluation of the peso would wipe out any prospective gain from eliminating Mexican tariffs on U.S. goods, which average about ten percent.

The recent surplus with Mexico is primarily made up of increases in the export of capital goods (e.g., machinery and equipment), and intermediate goods (e.g., supplies and components). These are used in the production of consumer products made in Mexico and exported back to the U.S. NAFTA supporters claim that these new exports represent new jobs. But to a large extent the increase in these exports represents a diversion of capital and intermediate goods that were previously produced in the U.S. for domestic manufacturers and are now shipped to Mexico where they will be used to make consumer goods for the U.S. market. Since, in both nations, the market for consumer goods is much larger and tends to grow at a faster rate than the market for capital goods, the overall trade surplus is bound to shift to Mexico. In fact, in the first four months of 1993, the U.S. surplus with Mexico is only about half as large as it was during the same period in 1992.

The predictions made for job growth by NAFTA supporters are based on misunderstood, fuzzy, and unrealistic assumptions. For example, the most widely quoted pro-NAFTA study, by economists Gary Hufbauer and Jeffrey Schott (1993), appears to conclude that after five years NAFTA will cause a net increase of about 170,000 jobs. The Office of the U.S. Trade Representative has based its claim that NAFTA will add another 200,000 jobs on a "rounding" of this estimate. But the Hufbauer-Schott estimate is not what it seems. First, it is an estimate of the impact of NAFTA plus "Mexico's domestic economic reforms." These reforms have already occurred, and by the authors' own estimates, only 23,000 jobs are left to be created by NAFTA.

Second, in order to justify their estimates, the authors had to conclude that the U.S. surplus with Mexico will rise further and be sustained for the next two decades! They also had to assume that Mexico would enjoy massive increases in foreign investment, but that the investment diverted from the U.S. (which supplies the bulk of foreign investment in Mexico) would not cost any jobs in the U.S. In effect, they assume that closing down plants in the U.S. and opening them up in Mexico does not cause any net loss of jobs in the U.S. Neither of these assumptions are credible.

Economists who have taken the effect of investment shifts into account estimate that a half million jobs will be lost because of NAFTA. Billions of dollars are flowing from U.S. investors to Mexico on the expectation that it is Mexico's manufacturing exports that will boom, not the United States' (New York Times, April 22, 1993a, p. A1). The Salinas government is hoping to pay off its debts with the dollars earned in running a trade surplus with the U.S. In effect, supporters on both sides of the border are promising their people a trade surplus with the other country. Obviously, both countries cannot simultaneously run a trade surplus with each other.

MEXICAN WORKERS WILL TAKE LOW-SKILL, LOW-WAGE JOBS WHILE U.S. WORKERS WILL MOVE UP THE LADDER TO HIGHER WAGE, HIGHER SKILLED JOBS

NAFTA backers have said that low wages in Mexico reflect low productivity. From this they argue that firms are not moving to Mexico for low wages, but to take advantage of the Mexican consumer market. But the evidence points the other way. First, many U.S. business managers have publicly admitted that they have gone to Mexico for lower wages and Mexico openly cites its low wages in advertising for foreign investment. Second, the Mexican consumer market is tiny, and is largely already open to U.S. firms. Third, while productivity in Mexican export industries is 80 to 100 percent of that in similar U.S. industries, wages are 10 to 15 percent of U.S. levels (Gephardt 1993; Shaiken 1992; Blomstrom and Wolff 1989). Manufacturing productivity in Mexico rose 28 percent in the 1980s, while real wages fell 24 percent (Rothstein 1993). In a growing number of industries, labor productivity in Mexico is even higher than in comparable U.S. factories because the Mexican plants are newer and the workers often get more training. Where labor is cheap to hire, it is cheap to train.

The disparity between wages and labor productivity in Mexico largely results from the policies of the authoritarian Mexican government. Over the last decade, the government has been forcing wages down and keeping environmental regulation lax in order to attract more foreign capital as a way of paying its foreign debt. In the 1970s, the ratio between U.S. and Mexican wages was three to one. Today, it is seven to one, and higher in many industries. Mexico is ruled by one political party. It was recently called the "perfect dictatorship" by politically conservative writer Mario Vargas Llosa. Mexico lacks strong independent trade unions, courts, environmental groups and similar institutions that in a democracy keep a check on the government (Levinson 1993a; Reding 1993).

None of the pro-NAFTA studies has been able to provide credible support for the assertion that living standards of U.S. workers will benefit from this Agreement. The evidence clearly points the other way. For example, Professor Ed Leamer of the University of California (1992), a well-known advocate of free trade, concludes from his research that one effect of NAFTA will be an average wage loss of $1,000 per worker for the lower 70 percent of the U.S. labor force.

NAFTA will exacerbate wage competition between U.S. and Mexican workers. Lower wages in U.S. manufacturing will undercut wages in other sectors of the economy. Contrary to the popular impression, the effect will not be limited to unskilled workers. Skilled, professional, and technical workers in Mexico also earn much less than their U.S. counterparts.

It is a matter of historic fact that U.S. workers who lose jobs because of import competition do not go up the ladder to better jobs; they do down the latter, to low paying jobs, or off the ladder to permanent unemployment (Faux and Lee 1992).

Over the long run, NAFTA will undercut the "high-skill, high-wage" economic path that holds out the only hope for rising U.S. living standards in a global economy. It will encourage U.S. manufacturers to compete in the world by attempting to reduce wates—either by going to Mexico or threatening to go to Mexico—rather than by upgrading workers' skills and investing in more productive machinery and equipment. The result will not be to bring Mexican wages to U.S. levels, but to do just reverse.

THE COST OF LABOR IS ONLY ONE ELEMENT—MAYBE AS LOW AS 20 PERCENT—IN THE COST OF MAKING A PRODUCT. THIS IS TOO SMALL A FACTOR FOR BUSINESS TO GO TO MEXICO FOR LABOR COSTS

There are three flaws in this argument:

a. The direct cost of labor is only one of the costs affected by a wage gap. Indirect labor costs, reflected in cheaper prices for construction and business services and lower taxes (because of cheaper and fewer government services) also reflect cheap labor.

b. Even where the individual firm's direct labor costs may represent only 20 percent of the total price of the product, direct labor represents by far the largest share of what the employer considers controllable costs. At any given time, other than profits, the other 90 percent of the price of the product that is not labor costs is ordinarily beyond the ability of the management to reduce further. Unless the company is poorly managed, it is already paying the lowest feasible price for supplies, components, materials, energy, interest rates, etc. If labor costs were not important, businesses would not spend large sums lobbying against anything that might increase them—from minimum wages to mandated health care benefits. Employers have been known to close down factories rather than pay employees another few cents an hour.

c. The firm with 20 percent direct labor costs that shifts production to Mexico will, under NAFTA, gradually gain the added advantage of buying components and supplies from other firms in Mexico whose labor costs are also lower than they would be in the U.S. Thus, cheaper labor costs become "imbedded" in more than just 20 percent of the value of the product. In the U.S. economy as a whole, labor costs account for the vast majority of the value of all production.

NAFTA WILL SLOW DOWN ILLEGAL MEXICAN IMMIGRATION

A similar claim was made thirty years ago when U.S. firms first began to take advantage of the Maquiladora arrangements with Mexico, in which U.S. tariffs on Mexican goods are reduced according to the extent to which they are made with U.S. components. Contrary to the early claims, the Maquiladora program actually increased immigration by drawing Mexican workers to the border areas. Once there, workers found jobs at wages to low to support a family. They soon quit (turnover in the Maquiladora factories is very high), climbed the fences and crossed the rivers to the U.S. With NAFTA, most of Mexico's growth will continue to occur in the border area because of its nearness to U.S. markets. The result will be more, not less, illegal immigration to the U.S.

NAFTA will further increase illegal immigration by dislocating large numbers of poor farm families in the Mexican countryside who will not be able to compete with U.S. grain exporters. Uprooted families will flood the cities and put more pressure on the U.S. border. Even studies sponsored by NAFTA advocates have concluded that NAFTA will have no impact on immigration, or will make it worse (Levy and Van Wijnbergen 1992; Robinson, et al. 1992). Hufbauer and Schott (1993, p. 25) acknowledge that NAFTA will increase immigration from Mexico in the first five years.

THESE JOBS WILL EVENTUALLY BE LOST ANYWAY TO LOW-WAGE COUNTRIES, SO IT IS BETTER TO LOSE JOBS TO MEXICO THAN TO ASIA

After several years of trying, NAFTA backers have come up with no real evidence on this point. No doubt there are some jobs that would go to Asia if there were no low-wage alternative in Mexico. But it is just as likely that NAFTA will divert Asian (and European) investment to Mexico that otherwise would have come into the United States and created jobs here. Mercedes-Benz, for example, is setting up facilities to produce buses and luxury cars in Mexico in anticipation of NAFTA (Automotive News, March 3, 1993, p. 8). Similarly, China is building a major textile and apparel center in Mexico in order to export to the U.S. (Electronic News, February 1, 1993, p. 8). Mexico's wages have been falling relative to wages in most Asian countries which has obvious locational advantages. Moreover, it is illogical to argue that because jobs are already being exported, we should export even more.

During this time to slow job growth and rising social problems, the U.S. simply cannot afford to be indifferent to the fate of entire industries. For example, the apparel and textile industry, which is widely regarded as one of those sectors at the bottom of the wage ladder and vulnerable to NAFTA, directly employees 1.7 million workers in the U.S., most of them in inner-city and poor rural areas where there are few employment alternatives. Indirect employment generated by industry suppliers, tax reveneus, and employee spending totals another three million jobs (Baker and Lee 1993). The typical reply of NAFTA supporters that people who lose their jobs in these industries will in some vague, unspecified way find new, better jobs through "retraining" cannot be taken seriously.

FREE TRADE ALWAYS CREATES BENEFITS FOR BOTH SIDES AND PROTECTIONISM IS BOUND TO FAIL

First, the NAFTA debate is not about abstract questions of "free trade" and "protectionism." This two thousand page agreement is primarily an investment agreement designed to make it safer for U.S. companies to shift investments to Mexico (U.S. Citizens' Analysis of the North American Free Trade Agreement 1992; Lee 1993b, p. 12). Second, the assertion that freer trade always brings more benefits than cost is wrong. At best, history is ambivalent on this point. Under certain conditions, free trade is a sensible strategy for a nation to pursue. But in more cases than not, the major industrial nations of the world developed their economies behind walls of protection. This experience not only includes Japan, Korea, and Taiwan in our own century, but the United States of America which for more than a century prior to the end of World War II protected its growing industries with high tariffs and other import restraints. World economic growth has taken place under a mixture of trade arrangements. Third, even in economic theory unrestricted trade is successful only under certain conditions. One condition is full employment on both sides of the border. Another condition is capital immobility between the countries. It is obvious that neither of these conditions is met in the U.S.-Mexico case.

Economic theory also tells us that the benefits to freer trade show up on lower prices to the consumer. Freer trade is supposed to create larger markets, which make business more efficient because of increased economies of scale and expanded competition. Yet even if we were to accept the NAFTA lobbyists' unrealistic assumptions, their own estimates of the benefits we would gain are trivial. According to Hafbauer and Schott (1993, p. 245), the total "efficiency" benefit to American consumers comes to $2 billion out of a $6 trillion U.S. economy. It works out of $8 a year for the average American, or two cents per day. This benefit is so small that you literally cannot find it in the economic data; it is smaller than the statistical margin of error in calculating the Gross Domestic Product. Statistically speaking, it is nothing.

Thus, according to NAFTA's own supporters, two cents per day per person is the potential long-term benefit that we are told justifies the risks of unemployment, community dislocation, environmental degradation, increased social disruption in Mexico, and the expanded immigration that will inevitably result.

IF WE DO NOT AGREE TO NAFTA, MEXICO WILL MAKE SOME SORT OF DEAL WITH THE JAPANESE

The key to NAFTA is increased access to the U.S. market. The Japanese are not going to give Mexican products increased access to their market, which is tightly restricted. If the U.S., using the threat of denying Japan the opportunity to sell to the American consumer, cannot open up the Japanese market, it is absurd to claim that Mexico would force Japan to open itself up to low-wage Mexican production in exchange for the tiny, impoverished Mexican consumer sector. Indeed, the danger of Japan using Mexico as an "export platform" to ship its goods into the U.S. is much greater with NAFTA than without it because NAFTA will make access to the U.S. consumer even easier (Cohen and Tonelson 1991; Hollings 1993). The important point is for the U.S. to maintain control over access to its own markets to use as leverage for getting better treatment in international trade.

WE MUST SUPPORT SALINAS BECAUSE HE IS A REFORMER

Read what the pro-free trade London *Economist* says about the current Mexican government: "The ugly truth is that Mr. Salinas and his band of bright technocrats, adored though they are by the great and good on the international conference circuit, wield power courtesy of PRI fixers and worse in the countryside." It adds that, "Mexican politics is not without its violent side," and refers to claims that 164 members of the opposition PRD party have been murdered since 1988 (*The Economist*, February 13, 1993, p. 56).

There is a mountain of evidence that Carlos Salinas' government represents simply a newer, more sophisticated generation now in control of the Mexican political apparatus. It is beyond serious dispute, for example, that wages are deliberately held down by an alliance between government controlled labor unions and government influenced business associations, which collaborate to set wages. Intimidation and harassment of independent labor unions and those who oppose the ruling party is well known. Election irregularities are commonplace, and it is widely believed in Mexico that they were crucial in helping Carlos Salinas gain his election. It is difficult to get an objective picture of the Mexican political structure. But whatever the truth, few people will deny that the government has immense power to manipulate economic life, and thus to assure that Mexico will continue to follow an economic strategy of earning foreign currency by attracting investment in unregulated workplaces.

Salinas' lobbyists in the U.S. promise that if we agree to NAFTA, the one-party Mexican dictatorship will permit democracy at some indeterminate time in the future. It is, of course, a promise they cannot fulfill. The idea that somehow we might influence democratic reforms *after* we have rewarded this authoritarian regime with permanent economic benefits flies in the face of everything we know about human nature and politics.

It is important to remember that the nations of the European Community rejected

the membership applications from Spain and Portugal until those countries abolished their authoritarian regimes and established credible democratic political systems. Today, many in Mexico believe that the defeat of NAFTA is necessary to nurture democracy in Mexico. Only on that basis can an economic partnership be built that will raise living standards in all of North America (Hellman 1993; Aguilar Zinser 1993).

We cannot predict the political future for Mexico any more than we can predict the economic future. But the heavily-financed public relations campaign to convince Congress that Carlos Salinas is "our man" has chilling parallels to other episodes in recent U.S. history. The U.S. government was once persuaded to bet on similarly anointed leaders in Vietnam, the Philippines, Panama, and Iran—to name just a few countries where such confidence was misplaced. A few years ago, Washington and the multinational business community were similarly impressed with the economic "reforms" imposed by the presidents of Brazil and Venezuela—both of whom have now been impeached for corruption by outraged populations. Whatever the merits of these cases, history suggests that it makes little sense for the U.S. Congress to gamble the future of millions of American workers on the self-promoted reputations of one personality or one faction of Mexican politics.

IF NAFTA IS REJECTED MEXICO WILL HAVE AN ECONOMIC CRISIS

Mexico is heading for an economic crisis with or without NAFTA (Heredia 1993). The country is running a deficit on its international current account of over $20 billion a year. It is financing that deficit with international capital in several ways. First, by borrowing short-term money at high interest rates. Second, with foreign investment attracted by the government's commitment to low wages and the proximity of the U.S. market. Much of this foreign investment has also financed speculation in Mexican real estate and stocks.

The continued current account deficit will sooner or later require a devaluation of the Mexican peso. When that happens, short-term and speculative capital will flee. This will surely burst the speculative bubbles in real estate and finance, if they haven't burst before. The passage of NAFTA may delay this ultimate crisis by continuing for a while to shift investment from the U.S. to Mexico, but for all practical purposes it cannot prevent it. The only way that an economic crisis can be avoided is if Mexico suddenly begins to run a massive trade surplus with the United States. This exposes a major contradiction in the pro-NAFTA argument. If NAFTA is to prevent a crisis in Mexico, it can only do so if the U.S. runs a large persistent trade deficit with Mexico. But if NAFTA is going to create jobs in the U.S., we must run a surplus with Mexico.

When the crisis occurs, the existence of NAFTA will make it more dangerous to the U.S. For example, NAFTA is designed to encourage U.S. banks and other financial institutions to make large investments in the Mexican banking system, regulated by a single party government famous for its corruption. This is a formula for creating future demands that the U.S. taxpayer bail out the Mexican banking system in order to save the assets of major U.S. financial institutions.

What will happen if a financial crisis hits Mexico after a rejection of NAFTA? Those in the U.S. who have speculated in Mexican real estate or financial markets would lose some money. But capital investment will continue to flow to Mexico, although probably at a somewhat reduced rate, because cheap labor and access to the U.S. market will continue (Toronto Globe and Mail 1993, p. B2).

The major impact would be political. Carlos Salinas might not be able to handpick his successor and the PRI may even be unable to sustain its control over the country. But why is this such a concern for the United States? With the ending of the cold war we certainly are not worried about communist influence in Mexico. Any president of Mexico will have to have cordial and cooperative relations with the U.S. There is no other place for Mexico to go.

Sooner or later there will be repercussions in Mexico because of the policies of Carlos Salinas and his immediate predecessors, just as the U.S. was bound to suffer financially as a result of the policies of Ronald Reagan and George Bush. But it is senseless for the U.S. government to compound its own economic problems in order to rescue Carlos Salinas and the PRI from paying a political price for their mistaken policies. As one witness at a congressional hearing said of the Salinas administration: "They have bet the rent money, the house, and the family jewels on the passage of the NAFTA. In so doing they have trapped themselves and now seek to trap you, the Congress, and the Clinton administration" (Levinson 1993b, p. 5).

NAFTA CAN BE FIXED WITH SIDE AGREEMENTS THAT PROTECT LABOR AND ENVIRONMENTAL RIGHTS

Perhaps. But not with the side agreements the administration is presently negotiating.

Part of fixing NAFTA would require Mexico and the U.S. to provide for new, tougher and enforceable labor and environmental standards, including higher minimum wages in the Mexican export sectors to reflect the real productivity of labor there. Wages are now set by government supported business associations, not by a free labor market, and therefore wages must be made part of the agreement. Agreements on internal financial regulations and protections against sudden destructive import surges will also have to be included. The side agreements would also have to assure some permanent funding, such as Congressman Richard Gephardt's proposal for a cross-border tax on trade, to pay for the cost of trade adjustment and environmental repair. Those who benefit from NAFTA should pay for its costs.

None of these elements is in the side agreements that the U.S. government has proposed to Mexico and Canada (Inside U.S. Trade 1993). Inasmuch as the current governments of the latter two nations have said that they want the weakest possible side agreements (indeed, that they don't think the side agreements are necessary at all), we can assume that the U.S. proposal represents the strongest language on labor and environmental issues that can possibly come out of the negotiations.

The U.S. proposal makes no attempt to set labor or environmental standards nor does it propose a serious process to do so. Therefore it does not deal with the heart of the economic problem—the huge disparity between the productivity of Mexican labor in the tradeable goods industries and the wages that they receive.

Rather, the U.S. proposal simply calls for a tri-national commission with a cumbersome, protracted and vague process (that even then can be stopped by a vote of the representatives of any two of the countries involved) for imposing unspecified sanctions against any country that has not corrected a "persistent and unjustifiable pattern on non-enforcement" of its own labor and environmental law. The Mexican and Canadian governments want even weaker language. So the negotiating conflict will take place on grounds that are irrelevant to the central objection to NAFTA. Even if the U.S. negotiators win one hundred percent agreement on their position it will not appreciably alter the economic distortions which will inevitably lead to job and income loss in the U.S.

Neither does the U.S. proposal provide for secure and permanent financing of the costs of the NAFTA, e.g., the costs of worker and community dislocation, environmental cleanup, infrastructure—including the need for increased border surveillance to prevent NAFTA from becoming a vehicle for increased drug traffic from Mexico. Such costs, in addition to the loss of tariff revenue which the administration has not accounted for in its budget, will thus have to be paid for by increased taxes, cuts in other public programs, and/or a higher deficit, or they will not be provided for. The decision not to finance the costs of the agreement by taxing its beneficiaries means that many Americans will not only lose income and perhaps their livelihood from NAFTA, but that they will be taxed to support the program that damaged them.

In addition to specific international standards, a NAFTA that truly protected labor and environmental conditions in all countries would have to have an aggressive, well supported enforcement mechanism to overcome the natural tendency of all signatories to subordinate human and environmental values to financial interests. This means a tri-national commission with power to investigate, subpoena, and employ immediate trade sanctions for violators. Vague language that enables such a body to act only in the case of "serious and persistent" violations is an invitation to abuse.

We have to face the fact that an enforceable set of protections will inevitably require all nations that sign the pact to give up more sovereignty. Indeed, NAFTA's existing 2,000 pages already violates Mexican and Canadian sovereignty by dictating new domestic procedures to protect the property of U.S. investors. It also violates U.S. sovereignty in a number of ways. One example is that NAFTA will prevent the U.S. government from pursuing industrial policies to support American producers in their effort to compete with advanced Asian and European countries who get help from their governments. Another is that NAFTA will require states to permit Mexican truckers to drive on U.S. highways despite the fact that they are not regulated to meet U.S. standards for health and safety.

Mexico and the U.S. already have a massive enforcement problem on the border. Increased illegal immigration, drug traffic, and pollution are the results. There is little doubt that NAFTA will make these problems much worse. For example, according to U.S. officials, narcotics smugglers are already buying and setting up companies in Mexico "as fronts for drug trafficking" (New York Times, May 24, 1993b, p. A1). We do not know exactly how much more drug traffic will increase under NAFTA; opponents of NAFTA, of course, cannot predict the future any more than supporters can. But given the seriousness of the issues, the billions of dollars already being spent, and the lives of dedicated U.S. and Mexican law enforcement officers already being risked to combat the flow of drugs, opening up the border to further drug pressure represents a clear risk. It is difficult to imagine any side agreement

that could counteract the negative effects of such a policy.

A continental economic development policy linking Mexico, Canada, and the U.S. makes sense. But its goal must be to raise the living standards of the majority of people in all countries, not to lower them. The first step toward a sensible North American economic agreement is to reject NAFTA so we can start with a clean slate.

BIBLIOGRAPHY

Aguilar Zinser, Adolfo, "Authoritarianism and North American Free Trade: The Debate in Mexico." The Political Economy of North American Free Trade. New York: St. Martin's Press, 1993, pp. 205–16.

Automotive News. "Mexico a launch pad for Mercedes." March 8, 1993.

Baker, Dean and Thea Lee. Employment Multipliers in the U.S. Economy. Working Paper No. 107. Washington, DC: Economic Policy Institute, May 1993.

Blomstrom, Magnus and Edward N. Wolff. Multinational Corporations and Productivity Convergence in Mexico. NEBR Working Paper No. 3141. Cambridge, MA: National Bureau of Economic Research, 1989.

Cohen, Robert and Alan Tonelson. Doing It Right: A Winning Strategy for U.S.–Mexico Trade. Washington, DC: Economic Strategy Institute, 1991.

Economist, The. "Mexico: Respect Restored." February 13, 1993.

Electronic News. "Nifty NAFTA." February 1, 1993.

Faux, Jeff and Thea Lee. The Effect of George Bush's NAFTA On American Workers: Ladder Up or Ladder Down? Briefing Paper. Washington, DC: Economic Policy Institute, July 1992.

Gephardt, Richard A. A New Trade Policy to Confront a Changing Reality. Washington, DC: Prepared Speech before the Economic Strategy Institute, May 11, 1993, p.5.

Hellman, Judith Adler. "Mexican Perceptions of Free Trade: Support and Opposition to NAFTA." The Political Economy of North American Free Trade. New York, NY: St. Martin's Press, 1993. pp. 193–204.

Heredia, Carlos. Statement of Carlos Heredia, Director of International Programs, Equipo Pueblo and Visiting Fellow, before the Committee on Small Business, U.S. House of Representatives. Washington, DC: The Development Gap, May 20, 1993, p. 12.

Hollings, Ernest F. "NAFTA Is a 'Shotgun Marriage' for the U.S." The Washington Post, June 14, 1993.

Hufbauer, Gary Clyde and Jeffrey J. Schott. NAFTA: An Assessment. Washington, DC: Institute for International Economics, February 1993.

Inside U.S. Trade. "Special Report." Washington, DC, May 21 & 24, 1993.

Journal of Commerce. "Some Fear Sharp Peso Devaluation after NAFTA." March 2, 1993.

Leamer, Edward E. Wage Effects of a U.S.–Mexican Free Trade Agreement. NEBR Working Paper No. 3991. Cambridge, MA: National Bureau of Economic Research, February 1992.

Lee, Thea. The North American Free Trade Agreement: A Misguided Economic Development Strategy for North America. Testimony before the Employment, Housing, and Aviation Subcommittee of the U.S. House of Representatives Committee on Government Operations, Washington, DC: May 27, 1993a.

Lee, Thea. "Happily Never NAFTA: There's no such thing as a free trade." Dollars & Sense, January/February 1993b.

Levinson, Jerome I. Unrequited Toil: Denial of Labor Rights in Mexico and Implications for NAFTA. A North American Project Special Report. Washington, DC: World Policy Institute, April 1993a.

Levinson, Jerome I. The Mexican Peso. Statement of Jerome I. Levinson before the Small Business Committee, U.S. House of Representatives, Washington, DC: May 20, 1993b.

Levy, Santiago and Sweder Van Wijnbergen. "Transition Problems in Economic Reform: Agriculture in the Mexico–U.S. Free Trade Agreement." Economy-Wide Modeling of the Economic Implications of a FTA with Mexico and a NAFTA with Canada and Mexico: Addendum. USITC Publication 2508. Washington, DC: U.S. Government Printing Office, May 1992.

New York Times. "High Mexican Interest Rates Are Luring Wall Street Cash," April 22, 1993a.

New York Times. "Free-Trade Treaty May Widen Traffic in Drugs, U.S. Says," May 24, 1993b.

Reding, Andrew. "Mexico: Corruption From the Top." The Washington Post, June 14, 1993.

Robinson, Sherman and Mary E. Burfisher, Raul Hinojasa-Ojeda, and Karen E. Thierfelder. "Agricultural Policies and Migration in a U.S.–Mexico Free Trade Area: A Computable General Equilibrium Analysis." Economy-Wide Modeling of the Economic Implications of a FTA with Mexico and a NAFTA with Canada and Mexico: Addendum. USITC Publication 2508, Washington, DC: U.S. Government Printing Office, May 1992.

Rothstein, Richard. Setting the Standard: International Labor Rights and U.S. Trade Policy. Briefing Paper, Washington, DC: Economic Policy Institute, March 1993.

Shaiken, Harley. Advanced Manufacturing and Mexico: The Auto and Electronics Sectors in U.S.–Mexico Trade and Investment. San Diego, CA: University of California, 1992.

Toronto Globe and Mail. "Mexican leaders fear NAFTA slipping away." June 11, 1993.

U.S. Citizens' Analysis of the North American Free Trade Agreement. Washington, DC: The Development Gap, 1992.

USA Today. "NAFTA anxieties are overstated," May 27, 1993.

[The Economic Policy Institute, June 29, 1993]

THE FAILED CASE FOR NAFTA

(By Jeff Faux)

The Congress should reject the NAFTA proposal, including the recent side agreements proposed by the U.S. Trade Representative to Mexico and Canada, because the costs to a majority of Americans will outweigh the benefits to a few.

The central argument of supporters that the NAFTA will bring net benefit to the U.S. economy is not credible. All serious participants in the NAFTA debate acknowledge that U.S. jobs and incomes will be lost and labor and environment standards will be threatened as a result of the Agreement. NAFTA supporters claim that these costs will be exceeded by the overall economic benefits. For the last several years, the U.S. government, the Business Roundtable, and scores of other NAFTA advocates in university research departments and Washington think-tanks have devoted enormous amounts of time and money in attempts to prove their case. They have failed. Inasmuch as the burden of proof lies with the proponents of a proposal, this alone dictates that NAFTA should be rejected.

The benefits of NAFTA will go primarily to American investors in Mexico and to some in the workforce already enjoying relatively high incomes. In the short term costs will largely be borne by low and medium skilled people as a result of job and income losses in a variety of industries—such as autos, electrical machinery, trucking, agriculture, apparel, food processing, furniture, glass and cement, toys and sporting goods.

In the long term, NAFTA will undercut the only economic strategy open to the U.S. for prospering in the new global competitive environment, i.e., the strategy of competing on the basis of high skills and high wages, as opposed to competing on the basis of low labor costs.

A high skill, high wage strategy requires that U.S. firms compete by increasing quality and efficiency, rather than by cutting wages and demanding freedom from labor and environmental regulations. NAFTA, by providing easier access for U.S. investors to cheap productive labor in Mexico's export sector, will promote the low wage path. We can expect at least a half millions jobs lost. But the greater impact will be on the long term living standards of the majority of U.S. worker; their real incomes will drop because they will now be in competition with a large labor force where wages are kept low by deliberate government policies. Because the political consequences of NAFTA will be to keep the present authoritarian government in power for the foreseeable future, the undercutting of U.S. living standards will be a long term phenomenon.

What follows is an overview of the major arguments used to defend NAFTA, and why they are wrong:

1. *NAFTA will create more jobs than it destroys.*

The NAFTA debate has provided many opportunities for the misuse of statistics. The U.S. Trade Representative has provided perhaps the base examples. He has tried to "prove" NAFTA will create jobs by citing estimates of U.S. job gains from exports without reference to the job losses from imports or from the diversion of investment from the U.S. He then makes unsupported promises about job increases and then counts these jobs as lost if NAFTA doesn't pass—even though those jobs were never found.

The most serious evidence offered for the claim that NAFTA will create a net job gain for the U.S. is that after the Mexican government reduced its trade barriers in the mid-80's, U.S. exports to Mexico improved, and since 1991 we have been running a trade surplus with Mexico. NAFTA supporters multiply this surplus by a standard jobs-per-exports factor and conclude that this "free trade" is creating hundreds of thousands of jobs, and that more free trade will create more jobs. This claim is misleading:

Much of the U.S. surplus with Mexico comes from the overvalued Mexican peso, which is artificially making U.S. exports cheaper and Mexican imports more expensive. After the next Mexican election in 1994—if not sooner—the peso is likely to fall, and with it the U.S. trade surplus. NAFTA advocate Gary Hufbauer of the Institute for International Economics, for example, anticipates a devaluation in the ten percent to twenty percent range sometime after the Mexican election in 1994. A ten percent devaluation of the peso would wipe out any prospective gain from eliminating Mexican tariffs on U.S. goods, which average about ten percent.

The recent surplus with Mexico is primarily made up of increases in the export of capital goods (e.g., machinery and equipment), and intermediate goods (e.g., supplies and components). These are used in the production of consumer products made in Mexico and exported back to the U.S. NAFTA

supporters claim that these new exports represent new jobs. But to a large extent the increase in these exports represents a diversion of capital and intermediate goods that were previously produced in the U.S. for domestic manufacturers and are now shipped to Mexico where they will be used to make goods for the U.S. market. Since, in both nations, the market for consumer goods is much larger and tends to grow at a faster rate than the market for capital goods, the overall trade surplus is bound to shift to Mexico. In fact, in the first four months of 1993, the U.S. surplus with Mexico is only about half as large as it was during the same period in 1992.

The predictions made for job growth by NAFTA supporters are based on misunderstood, fuzzy, and unrealistic assumptions. For example, the most widely quoted pro-NAFTA study by economist Gary Hufbauer and Jeffrey Schott appears to claim that after five years NAFTA will cause a net increase of about 170,000 jobs. The Office of the U.S. Trade Representative bases their claim that NAFTA will add another 200,000 more jobs on a "rounding" of this estimate. But the estimate is not what it seems. First, it is an estimate of the impact of NAFTA plus "Mexican domestic economic reforms." These reforms have already occurred, and according to the logic of the study, only 23,000 jobs are left to be created by NAFTA. Second, in order to justify their estimates the authors had to assume that the U.S. surplus with Mexico will rise further—even in the face of peso devaluation—and be sustained for the next two decades! They also had to assume that Mexico would enjoy massive increases in foreign investment, but that the investment diverted from the U.S. (which supplies the bulk of foreign investment in Mexico) would not cost any jobs in the U.S. Neither of these assumptions are credible.

Economists who have taken the effect of investment shifts into account have estimated that more than a half million jobs will be lost because of NAFTA. Billions of dollars are flowing from the U.S. to Mexico on the expectation that it is Mexico's manufacturing exports that will boom, not the United States'. Moreover, the Salinas government is hoping to pay off Mexico's debts with the dollars earned in running a trade surplus with the U.S. Obviously, both countries cannot simultaneously run a trade surplus with each other.

2. *Low wage jobs will go to Mexico: high wage jobs to the U.S.*

NAFTA backers have said that low wages in Mexico reflect low productivity. From this they argue that firms are not moving to Mexico for low wages, but to take advantage of the Mexican consumer market. The evidence suggests that this is not so. First, many U.S. business managers have publicly admitted they've gone to Mexico for lower wages and Mexico openly cites its low wages in advertising for foreign investment. Second, the Mexican consumer market is tiny, and is largely already open to U.S. firms. Third, while productivity in Mexican export industries is 80 to 100 percent of that in similar U.S. industries, wages are 10 to 15 percent of U.S. levels. Manufacturing productivity in Mexico rose 28 percent in the 1980s, while real wages fell 24 percent. In a growing number of industries, labor productivity in Mexico is even higher than in comparable U.S. factories because the Mexican plants are newer and the workers often get more training. Where labor is cheap to hire, it is cheap to train.

Over the last decade, the government has been forcing wages down and keeping environmental regulation lax in order to attract more foreign capital as a way of paying its foreign debt. In the 1970s, the ratio between U.S. and Mexican wages was three to one. Today, it is seven to one, and higher in many industries. Mexico is ruled by one political party. Mexico lacks strong independent trade unions, courts, environmental groups and similar institutions that in a democracy keep a check on the government.

No pro-NAFTA study has produced credible support for the assertion that living standards of U.S. workers will benefit. The evidence points the other way. For example, Professor Ed Leamer of the University of California, a well-known advocate of free trade, concludes from his research that one effect of NAFTA will be an average wage loss of $1,000 per worker for the lower 70 percent of the U.S. labor force.

Finally, it is a matter of historic fact that U.S. workers who lose jobs because of import competition do not go up the ladder to better jobs; they go down the ladder, to lower paying jobs, or off the ladder to permanent unemployment.

Some have argued that direct labor is a relatively small share (20 percent) of a typical firm's total cost. But direct labor represents by far the largest share of what the employer considers controllable costs. Unless the company is poorly managed, it is already paying the lowest price for supplies, components, energy, interest rates, etc. If labor costs were not important, businesses would not spend large sums lobbying against anything that might increase them—from minimum wages to mandated health care benefits. Employers have been known to close down factories rather than pay employees another few cents an hour. Moreover, the direct cost of labor is only one of the costs affected by a wage gap. Indirect labor costs, reflected in cheaper prices for construction, business services, and locally supplied inputs also reflect cheap labor.

3. *NAFTA will slow down illegal Mexican immigration.*

The same claim was made thirty years ago when firms first began to take advantage of the "Maquila" arrangements with Mexico in which U.S. tariffs on Mexican goods are reduced to the extent to which they are made with U.S. components. The Maquila program draws Mexican workers to the border areas. Once there, workers find jobs, but at wages too low to support a family. They soon quit (turnover in the Maquila factories is very high), climb the fences and cross the rivers to the U.S. With NAFTA, most of Mexico's growth will continue to occur in the border area because of its nearness to U.S. markets. The result will be more, not less, illegal immigration to the U.S. NAFTA will further increase illegal immigration by dislocating larger numbers of poor farm families in the Mexican countryside who will not be able to compete with U.S. grain exporters.

4. *These jobs will eventually be lost anyway to low-wage countries, so it's better to lose jobs to Mexico than to Asia.*

No doubt some jobs would go to Asia if there were no low-wage alternative in Mexico. But it is just as likely that NAFTA will divert Asian (and European) investment to Mexico that otherwise would have created jobs here. Moreover, it is illogical to argue that because jobs are now being exported, we should export even more.

During this time of low job growth and rising social problems, the U.S. simply cannot afford to be indifferent to the fate of entire industries. For example, the apparel and textile industry, which is widely regarded as one of those sectors at the bottom of the wage ladder, directly employs 1.7 million workers in the U.S. most of them in inner city and poor rural areas where there are few employment alternatives. Indirect employment generated by industry suppliers, tax revenues, and employee spending totals another three million jobs. The typical reply of NAFTA supporters that people who lose their jobs in these industries will somehow find new, better jobs through "retraining" cannot be taken seriously.

5. *Freer trade always creates net benefits for both sides.*

First, the NAFTA debate is not about abstract questions of "free trade" and "protectionism." This two thousand page agreement is primarily an investment agreement designed to make it safer for U.S. companies to shift investments to Mexico. Second, the assertion in the real world that freer trade always brings more benefits than cost is highly debatable. At best, history is ambivalent on this point. Under certain conditions, free trade is a sensible strategy for a nation to pursue. But in more cases than not, the major industrial nations of the world developed their economies behind walls of protection. This experience not only includes Japan, Korea, and Taiwan in our own century, but the United States of America which for more than a century prior to the end of the World War II protected its growing industries with high tariffs and other import restraints. World economic growth has taken place under a mixture of trade arrangements. Third, even in economic theory, unrestricted trade is successful only under certain conditions. One condition is full employment on both sides of the border. Another condition is capital immobility between the countries. It is obvious that neither of these conditions are met in the U.S.-Mexico case.

Freer trade is supposed to create larger markets, which make business more efficient because increased economies of scale and expanded competition. But the degree to which NAFTA will enlarge the U.S. consumer market is trival—and thus, so are the benefits. According to Hufbauer, and Schott, the total "efficiency" benefit to American consumers comes to less than $2 billion out of a $6 trillion U.S. economy. It works out to $8 a year for the average American, or two cents per day. This benefit is so small that you literally cannot find it in the economic data; it is smaller than the statistical margin of error in calculating the Gross Domestic Product. Statistically speaking, it is nothing.

6. *If we do not agree to NAFTA. Mexico will make a deal with the Japanese.*

The key to NAFTA is increased access to the U.S. market. The Japanese are not going to give Mexican products increased access to their market, which is tightly restricted. If the U.S., using the threat of denying Japan the opportunity to sell to the American consumer, cannot open up the Japanese market, it is absurd to claim that Mexico would force Japan to open itself up to low-wage Mexican production in exchange for the tiny, impoverished Mexican consumer sector. Indeed, the danger of Japan using Mexico as an "export platform" to ship its goods into the U.S. is much greater with NAFTA than without it because NAFTA will make access to the U.S. consumer even easier.

7. *We must support Salinas because he is a reformer.*

Read what the pro-free trade London Economist says about the current Mexican government: "The ugly truth is that Mr. Salinas

and his band of bright technocrats, adored though they are by the great and good on the international conference circuit, wield power courtesy of PRI fixers and worse in the countryside." It adds that, "Mexican politics is not without its violent side."

There is a mountain of evidence that Carlos Salinas' government represents simply a newer, more sophisticated generation now in control of the Mexican political apparatus. It is beyond serious dispute, or example, that wages are deliberately held down by an alliance between government controlled labor unions and government influenced business associations, and that the government has immense power to manipulate economic life, and thus to assure that Mexico will continue to follow its current wage strategy.

Salinas' lobbyists in the U.S. promise that if we agree to NAFTA, the one-party Mexican dictatorship will permit democracy at some indeterminate time in the future. It is, of course, a promise they cannot fulfill. The idea that somehow we might influence democratic reforms after we have rewarded this authoritarian regime with permanent economic benefits flies in the face of everything we know about human nature and politics. It is worth noting that when the European Community allowed Spain and Portugal to enter (where the wage gaps were not nearly so great as in the U.S.-Mexico case), they demanded, among other things, the establishment of a credible democracy in those countries, before permitting freer trade.

Similarly, many in Mexico argue that the defeat of NAFTA is necessary to help develop democracy.

8. *If NAFTA is rejected Mexico will have an economic crisis.*

Mexico is heading for an economic crisis with or without NAFTA. The country is running a deficit on its international current account of ever $20 billion a year. When the peso is devalued, short-term and speculative capital will flee. This will surely burst the current speculative bubbles in real estate and finance, if they haven't burst before. The passage of NAFTA may delay this ultimate crisis by continuing for a while to shift investment from the U.S. to Mexico, but for all practical purposes it cannot prevent it. The only way that an economic crisis can be avoided is if Mexico suddenly begins to run a massive trade surplus with the United States. This exposes a major contradiction in the pro-NAFTA argument. If NAFTA is to prevent a crisis in Mexico, it can only do so if the U.S. runs a large persistent trade deficit with Mexico. But NAFTA is going to create jobs in the U.S., we must run a surplus with Mexico.

NAFTA could make the crisis more dangerous to the U.S. when it happens. For example, NAFTA encourages U.S. banks and other financial institutions to invest in the Mexican banking system, regulated by a single party government famous for its corruption. This could lead to demands that the U.S. taxpayer bail out the Mexican banking system in order to save the assets of major U.S. financial institutions.

What will happen if a financial crisis hits Mexico after a rejection of NAFTA? Those in the U.S. who have speculated in Mexican real estate or financial markets would lose some money. But investment will continue to flow to Mexico because cheap labor and access to the U.S. market will continue.

Carlos Salinas of course might not be able to handpick his successor and the PRI may even be unable to sustain its control over the country. But why is this such a concern for the United States? With the ending of the Cold War we certainly are not worried about communist influence in Mexico. Any president of Mexico will have to have cooperative relations with the U.S. There is no other place for Mexico to go.

Sooner or later there will be repercussions in Mexico because of the policies of Carlos Salinas and his immediate predecessors, just as the U.S. was bound to suffer financially as a result of the policies of Ronald Reagan and George Bush. But it is senseless for the U.S. Government to compound its own economic problems in order to rescue Carlos Salinas and the PRI from paying a political price for their mistaken policies. As one witness at a Congressional Hearing said of the Salinas Administration: "They have bet the rent money, the house, and the family jewels on the passage of the NAFTA. in so doing they have trapped themselves and now seek to trap you, the Congress, and the Clinton Administration."

9. *NAFTA can be fixed with side agreements.*

Part of fixing NAFTA would require Mexico and the U.S. to provide for new, tougher and enforceable labor and environmental standards, including higher minimum wages in Mexican export sectors to reflect the real productivity of labor there. Agreements on internal financial regulations and protections against sudden destructive import surges will also have to be included. The side agreements would also have to assure some permanent funding, such as Congressman Gephardt's proposal for a cross-border tax on trade, to pay for the cost of trade adjustment and environmental repair. Those who benefit from NAFTA should pay for its costs.

None of these elements is in the current U.S. proposal. Inasmuch as Mexico and Canada have said that they don't think the side agreements are necessary at all, we can assume that the U.S. position represents the strongest side agreement that can possibly come out of the negotiations.

The U.S. proposal makes no attempt to set labor or environmental standards nor does it propose a serious process to do so. Therefore it does not deal with the heart of the economic problem—the huge disparity between the productivity of Mexican labor in the tradeable goods industries and the wages that they receive.

Rather, the U.S. proposal simply calls for a tri-national commission with a cumbersome, protracted and vague process (that even then can be stopped by a vote of the representatives of any two of the countries involved) for imposing unspecified sanctions against any country that has not corrected a "persistent and unjustifiable pattern of nonenforcement" of its own labor and environmental law. The Mexican and Canadian governments want even weaker language. So the negotiating conflict will take place on grounds that are irrelevant to the central objection to NAFTA.

Neither does the U.S. proposal provide for secure and permanent financing of the costs of the NAFTA, e.g., the costs of worker and community dislocation, environmental cleanup, infrastructure—including the need for increased border surveillance to prevent NAFTA from becoming a vehicle for increased drug traffic from Mexico. Such costs, in addition to the loss of tariff revenue which the Administration has not accounted for in its budget, will thus have to be paid for by increased taxes, cuts in other public programs, a higher deficit, or they will not be provided for.

A continental economic development policy linking Mexico, Canada, and the U.S. makes sense. But its goal must be to raise the living standards of the majority of people in all countries, not to lower them. The first step toward a sensible North American economic agreement is to reject NAFTA so we can start with a clean slate.

Mr. HOLLINGS. Mr. President, our agreement, in the limited time I have, was to try, then, without amendment on this particular measure, to present our sense-of-the-Senate resolution, with the leading sponsors, of course, from the Finance Committee, the distinguished chairman, and the distinguished chairman of the Subcommittee on International Trade of the Finance Committee, the Senator from Montana, and myself and other Senators have joined in.

We hope we can get that sense-of-the-Senate on another Super 301 extension.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HOLLINGS. I thank the distinguished Chair.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I yield 3 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 3 minutes.

Mr. DANFORTH. Mr. President, I understand how many Americans might be fearful of competition, and particularly competition with other countries. And to them, I really do not have much of an argument to make, other than to say that if we are truly afraid of competition and do not want to participate in the international marketplace, the world will simply pass us by as a country.

But for those who do believe in competition and do believe that America is and must be, a participant in the international community, it seems to me absolutely clear that, if we are going to exist in an international community, we must exist in a world of rules. And right now, in many areas in international trade, there simply are no rules. There are no rules respecting agricultural trade or trade in services or intellectual property or investment. Furthermore, there is a wholly inadequate system of resolving disputes when there are infractions of the rules that do exist.

So it is absolutely clear that, if we are going to have an international trading system, we must improve the rules that do exist and we must create rules where rules do not exist. That is the whole purpose of the Uruguay round. That is why these negotiations have been going on.

I do not know whether the product of the negotiations is going to be a good product. But I do know that the present system is inadequate, that there are whole areas where rules simply do not exist, and that, therefore, we are left with the law of the jungle

and that the law of the jungle must be replaced by agreed-upon rules.

I only want to make one other point, Mr. President, and it is this: There is absolutely no doubt that it is not possible to negotiate rules of international trade if the negotiators are then going to have the rug pulled out from under them in the House of Representatives or in the U.S. Senate after the negotiations have been completed.

The issue before us is not whether Congress is going to have input or whether Congress is going to have a role to play in trade negotiations. Congress now has a role. There are endless consultations between Members of Congress and the administration during the process of trade negotiations.

The question is not whether there is a role for Congress. The question is whether that role is to be played during the trade negotiations, as is now the case, or after the trade negotiations are completed.

And the problem with not having fast-track is that we will never come to any kind of conclusion in trade negotiations if Congress, instead of weighing-in during the negotiations, rewrites the agreement once the agreement has been made.

The PRESIDING OFFICER. The Senator's 3 minutes has expired.

Mr. PACKWOOD. Mr. President, I yield 2 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington, Senator GORTON, is recognized for 2 minutes.

Mr. GORTON. Mr. President, during the course of this Congress we have had long and extensive debates over taxes, over a budget resolution, over reconciliation, over a so-called stimulus plan. None of these proposals could possibly have the positive impact on American prosperity and on the American economy that would match the positive impact of a true liberalization of our trade policies with respect to both goods and services. That liberalization is only possible through a multilateral international agreement under the General Agreement on Tariffs and Trade. In turn, a successful GATT is only possible if America speaks with one voice. This bill is about providing that single voice.

Just this morning we have suffered a serious defeat in this course of action by reason of Judge Richey's decision on the North American Free-Trade Agreement. If in fact we are required to come up with environmental impact statements on such agreements, once again the United States will be in disarray, unable to speak with a single voice, unable to act promptly, unable to deal with other countries on an equal basis. That decision, I am convinced, will be overturned. But we can do our part only by passing this bill.

As a nation with one of the freest trading systems in the world, we particularly benefit from free trade and by removing restrictions among our trade partners. We now have an historic opportunity to further that process by completing the Uruguay round of GATT talks.

If we can conclude those talks successfully, the U.S. economy will improve by as much as $35 billion per year, without increased taxes, and at no charge to our deficit. Our software, high technology, and entertainment industries will export their products under new intellectual property safeguards. Agricultural policy will be regulated by the GATT for the first time, promising further progress in lowering competitors' subsidies. Our aircraft manufacturers will face lower subsidies from all member governments, expanding upon the 1992 agreement on Airbus subsidies. Telecommunications firms can surmount market access barriers. And poorer countries will open their markets to our rapidly growing service industries, which now account for 30 percent of our exports, a 50-percent increase from a decade ago.

For Washington State the advantages will be great—better than any proposed Government program. Even though we are on the west coast and the United States hopes primarily for European concessions in the GATT, the likely agreement is tailor-made for Washington State. A round which uses the Dunkel text as a bare minimum would allow our farmers to sell in Europe and compete more directly with Europeans abroad. Our telecommunications firms and software companies, on the cutting edge of their industries, have paid dearly for their innovations in markets which do not respect their copyrights or remain closed because the GATT has not yet addressed their industries. A completed Uruguay round will protect them and ease market access barriers. Our fisheries, which account for more than 75 percent of all U.S. exports of fish products, will find new, receptive markets.

Successful GATT negotiations are possible, however, only when our partners can act in the belief that when they make a deal with the United States, we are likely to keep that agreement. That knowledge has been the basis of this success of all trade agreements in recent decades.

Fast-track authority was used to negotiate NAFTA, the United States-Israel Free-Trade Agreement, the United States-Canada Free-Trade Agreement, and the last 7 years of GATT negotiations.

Since May 31, our President has been without this authority. While our negotiating partners have acted on the understanding that that authority will be extended, no final agreement can ever be attained if Congress can amend that agreement. A failure to extend fast-track authority will deprive the President of a strong hand at the G-7 summit next week, and will eventually unravel the Uruguay round.

I am pleased that the Senate Finance Committee has acted promptly to report a clean bill extending fast-track authority to the President until April 1994. This will give the President the authority he needs to seek breakthroughs before and during next week's meetings, and hopefully to notify Congress of an agreement by the end of the year. I strongly support the extension of this authority and look forward to examining closely the results of the trade negotiator's work.

The PRESIDING OFFICER. Who yields time? The Senator from New York.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent the distinguished ranking member of the committee and I each have 5 additional minutes.

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

Mr. MOYNIHAN. Mr. President, I yield 4 minutes to the Senator from New Jersey, my good friend Senator LAUTENBERG, and I retain 1 minute in the event of some unanticipated emergency.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. LAUTENBERG] is recognized.

Mr. LAUTENBERG. Mr. President, I thank the chairman of the Finance Committee, my good friend.

As the Senate debates extending fast-track authority, I rise to discuss the international competiveness of some uniquely American enterprises.

I will soon be introducing a resolution on behalf of myself and Senators JEFFORDS, FEINSTEIN, DECONCINI, HARKIN, and MURRAY that expresses the Senate's support for ensuring fair treatment for copyright-based industries under the General Agreement on Tariffs and Trade and the Uruguay round of trade negotiations.

Many of this country's most successful and popular exports are products born from the creativity and ingenuity of American minds. In every corner of the world, movies, television programs, computer software, video games, books, recordings, and other materials enhance lives and bolster businesses.

At home, copyright-based industries boost America's GNP, narrow our trade deficit, and provide jobs for workers in every region of the country.

I'm proud that my State in particular has many companies in the ingenuity business. Hundreds of small software companies, for instance, have sprouted in New Jersey's high-technology corridors during the last 10 years. The New York/New Jersey region is the publishing capital of the world. And several production and recording companies call New Jersey home.

These New Jersey companies help make the United States the world's largest exporter of creative materials.

Each year, in fact, close to $40 billion in foreign sales are racked up.

In the face of this American success, however, many nations have established barriers to the import of our copyrighted works. In France, for example, 60 percent of television airtime must originate in France or the EC—a quota that excludes American programming from about two-thirds of French TV.

Other nations have failed to enforce intellectual property obligations within their borders, resulting in the pirating and counterfeiting of American products. In countries like India, Brazil, and Thailand, streets abound with open air markets selling pirated American tapes, books, and video games.

As the Uruguay round winds down, and as President Clinton prepares to head to Tokyo next week for the G-7 summit, the United States must send a clear signal to our trading partners.

My resolution states that it is the sense of the Senate that any GATT agreement must ensure fair treatment of American copyrighted works and remove obstacles to their entry in foreign markets.

In a letter last week to U.S. Trade Representative Mickey Kantor, the Senate Finance Committee outlined several objectives for the negotiations. The Finance Committee letter covered a range of issues, including intellectual property—an area of the draft agreement the committee's letter said was "deficient in several respects.

While I agree that the intellectual property protections need strengthening, I believe the letter did not go far enough in seeking fair treatment of copyright-based industries.

Therefore, I take this opportunity to urge Ambassador Kantor to reject efforts to exempt cultural industries from the GATT agreement. And I reiterate the importance of his working to secure full national treatment so that U.S. movies, records, books, software, and other products will have the same rights and privileges as works created in other nations.

My concern with this issue is not merely maintaining international harmony and preserving global standards of fair play, though they are important.

My chief concern is jobs. Between 1977 and 1990, copyright-based industries grew twice as fast as the rest of the economy, and added more than 2.5 million jobs. Today these industries employ about one out of five American workers.

As we enter an age when ideas and information are our most important national commodity—and where text, video, and sound can zip across the globe in a matter of seconds—protecting the fruits of American creativity is an economic imperative.

Mr. MOYNIHAN. Mr. President, I yield my remaining minute.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. I yield 3 minutes to the Republican leader.

Mr. DOLE. Mr. President, I want to indicate my support for the President's request for a clean bill without amendments. I think it is very important. We met with the President this morning. He is going to be leaving for Tokyo and the G-7 summit. I think it is important when he is there he have commitment from the United States Senate so the people there will understand we want to move ahead on trade talks. There are some problems, no doubt about it. A lot of Senators, I think on both sides, would like to offer trade amendments to the bill. Maybe they will have that opportunity later. But I think we are doing the right thing and I want to commend the chairman, Senator MOYNIHAN, and also the ranking Republican, Senator PACKWOOD.

Last week the Finance Committee voted almost unanimously to report out legislation that will provide the President with fast-track negotiating authority for the Uruguay round of trade talks.

I was pleased to support the President's request for that authority and for a clean bill, without amendments. The President will leave soon for Tokyo and the G-7 summit and I believe it's important to demonstrate American commitment to concluding the trade talks successfully.

No doubt a lot of Senators would like a chance to offer trade amendments to the bill on the Senate floor but that could mean a protracted debate and undermine the negotiating process. I hope there will be another opportunity for Senators to offer those amendments but on fast-track authority which is the business before us today, I continue to support the President's request for a clean bill.

The distinguished chairman and ranking member of the Finance Committee have sent a letter to the U.S. Trade Representative on behalf of committee members outlining some suggested negotiating objectives for the Uruguay round. It is an excellent letter and I want to commend Senator MOYNIHAN and Senator PACKWOOD for their effort as well as Senators DANFORTH and ROCKEFELLER who were instrumental in drafting the text.

That letter has a very strong statement on agriculture, calling for market access, reductions in export subsidies, and protection against trade barriers masquerading as food safety requirements.

Coming from a State where agriculture is important to the economy, I was particularly pleased to see the Finance Committee recognize the importance of agriculture in these trade talks. But that statement on agriculture became even more critical when I read some very disturbing recommendations made by someone whom President Clinton has chosen to be a senior member of his trade team.

Prof. Jeffrey Garten, who has been nominated to be the Under Secretary of Commerce for International Trade, just a few months ago suggested that President Clinton consider writing off American agriculture's interests in the trade negotiations in order to get a quick agreement.

In the winter issue of Foreign Affairs magazine, he wrote that in the event the trade impasse in the Uruguay round was not broken by Inauguration Day, President Clinton "should cut a deal on agriculture with the European Community, however imperfect, and bring the negotiations to an end."

"In addition," Mr. Garten wrote, "if there is a good time for Clinton to fight the farm lobby, it is at the beginning of his term."

Our previous U.S. Trade Representative, Carla Hills, had the chance to make a deal at the expense of American agriculture—and was probably pressed to do so from a number of quarters—but stuck to her promises and kept agriculture on the negotiating table as a major issue in the talks.

Unlike previous trade rounds when agriculture was either ignored or traded off for agreements on other sectors, the Uruguay round kept agriculture up front with other sectors because the Bush and Reagan administrations insisted it be there.

The reason is simple. American agriculture is the most competitive in the world. Our farmers and ranchers produce at a relatively low cost, not always the lowest, but that is only part of the picture. This country can produce, store, process, and package a huge volume and variety of food products to the highest standards and transport them quickly anywhere in the world.

Even while facing significant trade barriers throughout the world, American agriculture has been running a trade surplus of over $20 billion annually for the past several years. The previous administration and its trade negotiators knew that if we can break down those barriers, it is going to mean more jobs in our food processing and transportation industries and more profit for the American farmer.

Now President Clinton has asked the Senate to agree to a nominee who apparently thinks the interests of American farmers, ranchers, and food producers, by some estimates, the largest industry in the country, can be sacrificed to the demands of our trade competitors.

If Professor Garten's advice is to put agriculture aside—or worse yet, to trade it off for EC and Japanese demands—then I want to ask President Clinton to categorically reject that advice as soon as possible. Likewise with the suggestion that the President pick

a fight with the farm lobby, whatever that is supposed to be. The administration's fight should be with the European Community and Japan and Canada on trade issues, not with the American farmer and rancher.

I just received a report, Mr. President, written by a respected agricultural economic analyst, that says export markets for meat, dairy, and poultry alone account for 73,000 full-time jobs just in production and processing. With related employment, these three sectors, only a part of American agriculture, generate 200,000 full-time jobs. Most important, the report says, these jobs are mainly located in rural areas and are a significant part of the rural economy.

I do not doubt that Professor Garten has excellent academic credentials but his essay in Foreign Affairs would get a failing grade from the American agriculture community.

I understand Mr. Garten's nomination will be reviewed in two committees of jurisdiction, Finance and Banking. I look forward to hearing his thoughts on the place of agriculture in the trade talks. I hope that farm State Senators from both parties will get an opportunity for an extensive discussion of his philosophy on trade and how it applies to the millions of American men and women who depend on agriculture and agribusiness to earn a living.

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

Mr. PACKWOOD. Mr. President, if the Republican leader will not leave—what is this fellow up for?

Mr. DOLE. Under Secretary of Commerce—that is what he was up for.

Mr. PACKWOOD. You know, I apologize for laughing, but of all the things that we are good at, farming is the one we are best at. Of all the things not to give up on, it is the fact we can beat anybody in this world on growing things and selling things. We can put rice in the market in Japan cheaper than the Japanese can grow it. We can put wheat all over the world competitively if we do not have to deal with agricultural subsidies in other countries.

Of all the areas we should not give up on, agriculture is the principal one we should not give up on. But I want to conclude with just a few cleanup remarks, if I might.

The Senator from South Carolina talked about our shrinking manufacturing employment. Absolutely true. It is shrinking in every industrial country in the world. Manufacturing is not leaving here and going to Germany, France, Italy. Manufacture employment is shrinking every place, as industries become more competitive and more productive.

I do not know where we get this idea that shrinking employment is somehow the epitome of bad management and going backwards. At the turn of the century, one person in two was involved in farming. That was what was required to feed us. Now only 2 or 3 percent of the population is in farming and they turn out more food than we can eat. We can supply the world, and we hold that up as a symbol of progress—not of going backward—that we can grow more and feed more with fewer people.

I hope that our industries can continue to become more and more efficient, more and more productive and that we can do more and more things in each industry with fewer people. That does not mean our employment declines. On the contrary, total employment will continue to expand and grow.

Let me give two examples. One is Freightliner Corp, which makes the great big trucks you see on the road. They have two large plants in the United States—one in metropolitan Portland and one in the Carolinas. Freightliner bought a distribution plant in Mexico some years ago because of restrictions on selling in the Mexican market. They would ship their trucks down in kit from and assemble them down there for the Mexican market.

As soon as the North American Free-Trade Agreement goes through, they plan to make all their trucks in Portland. They are not going to move their plant to Mexico. Their U.S. plant is organized either by the steelworkers or machinists and is a very high-wage plant. They see no benefit to going down and manufacturing in Mexico in part because components are 75 percent of their costs.

Second is a totally different company called Sabroso which is located in Medford, OR, in the center of a fruit-growing area. Sabroso is the principal manufacturer of fruit puree for three of our principal baby food companies.

As I recall they have approximately 150 employees. Half of their gross comes from sales around the world. If you go through their factories, they are making labels in Portuguese, Spanish, and all kinds of different languages for their market.

They cannot wait for the NAFTA. They are not planning to move their operation to Mexico. Here is a company that makes a product heavily designed for youth and they look at the Mexican market and think, my gosh, what an opportunity.

I do not know why we do not look at these openings in trade as opportunities rather than thinking that every major manufacturer and every well-paying job is going to move south of the border, or to Asia, or wherever. We can think better, we can raise capital better, we can issue credit cards better than anywhere else. People may laugh at the credit card business, but it is a very good business, which produces a tremendous amount of revenue for the United States.

I want to mention just a couple statistics. First, but for oil and cars, we have roughly a balance in our merchandise trade. Now this varies a little bit from year to year and it is about a $3-billion negative right now. Every time there is any hope that we might find some oil someplace, the very people who are opposed to this agreement stop us from looking for oil, or drilling for oil, or finding any oil. So it is no wonder we have a trade deficit in oil.

Cars are entirely our own fault. Twenty-five years ago we threw the market away. I remember when we had the first debates about mileage standards in the United States, and the auto industry said the people do not want fuel efficient cars; they want big cars that will accelerate to 50 miles an hour in 5 seconds and get 4 miles to the gallon. So they threw away the market.

To their credit, the auto industry has come back in the last few years. They have learned their lesson. It took a long time. It was a painful 20 years. The number of people employed in the auto industry has gone down substantially as the industry has become more productive. But U.S. auto manufacturers are now beating the foreign imports at their own game. We can do it. We can do it anyplace in this world when we choose to do it.

I will close with some words from the "Mary Gloster," a poem by Kipling about a fictional man who is a shipping magnate in England. The man is nearing the end of his life and is reviewing his accomplishments. He started out as a coal boy on a ship and worked his way up. By 22, he was a mate. By 35 he has his first little tramp steamer. By the end of his life, he is the king of the world's shipping tycoons. Now this was in Great Britain, which was the high-wage industry and had to compete with tramp steamers from all over the world. Somehow he managed to succeed against all this competition. It goes something like this:

> They copied and stole all they could find, but they couldn't copy my mind. So I left them sweating and standing a year-and-a-half behind.

That is what we can do. Nobody can beat us if we are just allowed to compete. But for heaven's sake, do not put fetters on ourselves to keep us from competing.

I hope we can pass this overwhelmingly. I thank the Chair, and I am prepared to yield back any time.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent for 10 seconds for the Senator from Nebraska.

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

Mr. EXON. Mr. President, I will reluctantly vote to support the extension of fast-track authority for the current round of GATT negotiations. I have come to this position after a great deal

of thought, reflection, and consideration of the interests of Nebraska and the Nation.

There is no denying that the world as it is, is riddled with unfair trade practices, many directed at America's most competitive products.

I opposed fast-track extension when it was debated in 1991 because at that time President Bush, Clayton Yeutter, and Carla Hills were pursuing a trade-negotiating strategy which I strongly opposed, especially in the area of agriculture. I have described that strategy as "unilateral disarmament." The Reagan/Bush/Yeutter/Hills trade policy sought to throw open American markets, lower agricultural price supports and oppose any effort to retaliate against unfair practices by our trading partners.

President Clinton, Ambassador Kantor, and Secretary Espy have on several occasions enunciated a fundamentally different approach to trade negotiations and already in the earliest months of his administration demonstrated a willingness to respond to unfair trade practices.

The willingness to be tough and to demand mutual, reciprocal, and equivalent benefits gives me sufficient reason to support fast-track extension.

My vote for this limited fast-track extension is not an endorsement of the final GATT agreement. It is a good faith effort to give our new President an opportunity to negotiate an agreement which will be good for Nebraska and the Nation.

Mr. LUGAR. Mr. President, the Senate should give bipartisan support to President Clinton's request for an extension of fast-track negotiating authority. We should do so because the economic future of our Nation depends to a considerable extent on continuing to export more American products and services into world markets. To increase our exports, we need to open foreign markets. To open foreign markets, our negotiators need to be able to negotiate—something they would be unable to do if the Senate withheld its consent to an extension of fast-track authority.

Historically, the United States is a winner when trade is liberalized, and a loser when the world puts up trade barriers. It follows that reducing other nations' trade barriers is in our interest. Yes, we need to be tough-minded in our approach; but we also need to recognize that U.S. industries must compete in an ever-more-globalized world economy, and they will be better able to compete if they have more access to foreign markets.

Frankly, some people who are opposed to this extension of fast-track authority are simply opposed to trade agreements, period. What they really long for is a closed society whose imports are zero. That this also implies zero exports does not especially bother them. Just as we see a dangerous isolationism creeping back into the public debate over foreign policy, we see the same thing in international trade policy.

We need to bring the Uruguay round to a successful conclusion in order to open new opportunities for our domestic industries, and also to remove sources of unfair competition. For example, the Blair House agricultural agreement between the United States and the European Community will require a 21-percent cut in volumes of subsidized EC exports—something that will directly benefit U.S. grain exports. In an unsubsidized market, we are a competitive exporter of grains and other agricultural products, and the Europeans are not.

Now, the agricultural negotiations are not finished—and that is the whole reason we need to extend fast-track authority. U.S. farmers and agribusinesses are concerned that there has still been little progress with the EC on the crucial issue of market access. Indeed, if the EC implemented the so-called Dunkel text in the way it has said it will, U.S. access to European feed grain markets could well be less after the GATT agreement than before.

Such an outcome is clearly unacceptable, and I believe the administration is aware of that. But they will not be able to engage the other members of GATT to resolve these difficult problems if they are not given the authority to negotiate.

That is what the legislation before us does, and I urge Senators to support it.

Mr. COHEN. Mr. President, I will support the President's request to extend fast-track authority until December 31, 1993, for the purposes of trying to conclude the Uruguay round of negotiations to update the General Agreement on Tariffs and Trade [GATT].

I do so, however, with some reservations. In particular, I am very concerned with negotiations regarding the treatment of textiles and the sovereignty of U.S. trade laws.

Earlier today, I spoke with the U.S. Trade Representative Mickey Kantor to express some of my concerns regarding the GATT negotiations. I expressed my strong opposition to phasing out the multifiber arrangement [MFA] over 10 years as has been suggested. I am also opposed to opening up the U.S. market for countries that do not open their markets to our exports. Trade cannot be a one-way street. Finally, I impressed upon Ambassador Kantor that wool tariffs should not be reduced by fifty percent as has recently been suggested. Such a steep reduction in import tariffs would decimate the wool industry in Maine.

I am also very concerned about recent proposals for the United States to surrender our unfair trade laws to international bodies that would assume the role of remedying unfair trade practices. While some multilateral processes must be established, it is important that the United States not forfeit too much of its authority. Several Maine industries, including leather, salmon, and lumber, have secured relief under U.S. antidumping laws. I am very concerned about any negotiations that would undo the ability of these industries to redress unfair trade practices.

If industries like textiles are treated fairly and not used as trading chits in the GATT negotiations, I am hopeful that updating the GATT will benefit the Maine economy and the United States in general. Maine exports have been growing steadily over the past decade. Like every other part of the U.S. economy, more and more jobs in Maine are supported by exports. From insurance to agriculture, Maine companies are exporting more and more goods and services which add to the Maine economy. Maine ports are also benefiting from the expanding global trade. This year alone Maine is expected to export over $1-billion worth of goods.

Improving the GATT is a worthwhile goal. However, reaching no agreement is better than reaching a bad agreement. If reaching an agreement requires the United States to accept conditions that will ruin the U.S. textile industry, it is an agreement we should reject.

I am supporting the extension of fast-track for the purpose of GATT negotiations with the understanding that the United States will bargain in good faith to reach an agreement that does not unfairly treat the U.S. textile industry.

I will be following the negotiations closely and hope that the administration is successful in tearing down some of the trade barriers that U.S. companies face throughout the world.

Mr. SIMPSON. Mr. President, I rise to express my support for the President's request to extend the fast-track negotiating authority. This bill requires the President to successfully conclude the Uruguay round of the General Agreement on Tariffs and Trade [GATT] and notify Congress of his intent to enter into the agreement by December 15, 1993. This legislation only applies to the Uruguay round and not to the negotiation of any other trade agreement. The authority would require the President to enter into a Uruguay round agreement prior to April 16, 1994.

We have before us a very appropriate opportunity to improve the sluggish U.S. economy with the conclusion of the worldwide Uruguay round GATT agreement. Historically, Congress and the executive branch have recognized that the negotiation and implementation of free trade agreements requires a special kind of cooperation. This cooperative relationship has worked quite

successfully over the years. The proof of this is the inclusion of the fast-track procedures in trade legislation in 1974, 1979, the 1988 Omnibus Trade and Competitiveness Act, and the approval of a 2-year fast-track authority extension for President Bush in March 1991.

The bill before us correctly focuses on the value and necessity of consultation with Congress before a final vote to ratify the agreement. It increases the consultation period from 90 to 120 days—thus providing the Congress with an adequate time period to comprehensively review the agreement.

Fast track provides two essential guarantees—a vote on the implementing legislation within a fixed time period and no amendments to the final agreement. These guarantees are essential to negotiating any agreement. Without them the final package would be unraveled by every special interest group that comes down the pike. More importantly, many countries will not negotiate without assurances of the fast-track procedure. We must also be able to guarantee our trading partners that the final agreement reached will be intact when it is voted on and approved by Congress.

The Uruguay round of GATT represents sound trade policy, thoughtful foreign policy, and solid economic policy. We must move forward with this trade agreement and not risk the dilution of the U.S. commitment to multilateralism. In the world arena we can ill-afford a return to an indulgence in protectionist instincts. We must continue to strive for free and fair trade—trade based on reciprocity—not trade based on the threat of sanctions. International trade is a full contact sport built upon diplomacy and dialog, not on threats and closed doors.

We cannot risk returning to the law of the jungle where trade is concerned or we will be the losers. We must respect the rule of law under the GATT. The alternative is to greatly jeopardize our own economic stability by promoting trade retaliation—such as Super 301—that the GATT has ruled illegal. That would be a great tragedy. The United States' trust and confidence in the GATT and in organized fair trade must be preserved.

Over the last decade, we have become increasingly aware of the critical role that international competition and trade play in our economy. Over the last 3 years, U.S. exports of manufactured goods increased by almost 23 percent—from $363 to $446 billion. Exports of agricultural products jumped by over 13 percent to $40.2 billion from 1991 to 1992, after several years of little change in these trade levels.

Despite our international trade efforts, imports continue to greatly exceed exports. Our domestic consumption of goods and services is likely to remain flat. Without actively pursuing avenues to increase exports—the U.S. balance of payments will continue to deteriorate.

We cannot fool ourselves by thinking that any final agreement on the proposed trade agreements will be welcomed globally, but I do believe that the Uruguay round is recognized by a majority of nations as being critically important for fair trade practices worldwide. If we eliminate the fast-track procedure, we may irreparably damage prospects for a favorable conclusion to this trade agreement and seriously affect the international competitiveness of the United States.

We should not deceive ourselves by diminishing the importance of this fast-track legislation. We have before us a decision that will determine the direction, as well as strength and leadership, of the United States in global trade policy.

I urge my colleagues to support the President's request to extend fast track.

Mr. BYRD. Mr. President, I have serious reservations about extending, yet one more time, the fast-track procedures for consideration of any agreement that might result from current negotiations under the Uruguay round of the General Agreement on Tariffs and Trade [GATT], and I will vote against the pending measure. My reservations stem, first, from a concern that fast-track, by prohibiting amendments to legislation implementing a multilateral trade agreement, severely limits the ability of the Senate to carry out its constitutional responsibilities with regard to the ratification of such agreements.

Second, of great concern to me at the present time, are reports I have received that the administration has been prepared to negotiate a multilateral trade agreement under the Uruguay round that will injure the U.S. commercial chinaware and glassware industries, if not make these industries completely unviable. In my State of West Virginia, glass manufacturers account for hundreds of jobs—jobs that citizens and communities across West Virginia depend upon for their economic well-being, if not their economic survival.

While I agree that we must take actions that will enable us to compete more effectively in the global marketplace, and that restructuring the economic relations among the signatories to GATT may be essential to improving and expanding trade, I do not believe that we should enter any agreement that does not, overall, benefit American workers and American industry. I am concerned that, in an effort to conclude the current GATT negotiations during the July 7–9 Tokyo summit, the United States might be willing to agree to a sharp reduction in the tariffs for various categories of commercial chinaware and glassware—reductions that could cut the current tariff rates by as much as half.

While a conclusion to the Uruguay round might provide some benefit to the United States, particularly in the area of high technology, dramatic tariff reductions on commercial chinaware and glassware to achieve the conclusion of the talks will likely lead to sharply higher unemployment for American glass workers. Such unemployment will only add to the burdens we, as a nation, already face in meeting the challenges of an increasingly competitive international economy, not only contributing to a decline in the standard of living of those workers directly affected, but more broadly affecting the economic well-being of the communities in which they live and work.

Having said all this, I recognize that formulating policies that balance domestic and international economic objectives does not come easily, and that it may be necessary to make certain tariff concessions in order to negotiate a successful conclusion to the Uruguay round. Yet, I believe it would be a serious mistake to go beyond a reduction of 25 percent from the current commercial chinaware and glassware tariff rates—a percentage reduction that I understand has been reluctantly agreed to by the domestic glassware industry—in an effort to satisfy the wishes of our trading partners. I believe a 25-percent reduction in tariff rates is a major concession and a generous offer, and I commend the U.S. glassware industry for its willingness to support an agreement that will likely entail some adverse economic impact.

However, we simply cannot afford to offer further reductions beyond 25 percent on commercial chinaware and glassware in order to pacify pressure from certain countries. It appears certain that any such further reduction would devastate our domestic glassware industry. Our economy is weak; we need to create jobs, not give them away. For the very reasons I supported the President's full emergency jobs bill, I cannot support any concessions that would cause the further loss of American jobs. With this in mind, I urge President Clinton and Ambassador Kantor not to offer any concessions that might add to the economic burdens we already face.

Mr. WELLSTONE. Mr. President, this vote may appear to be a routine one concerning an obscure procedure—fast-track negotiating authority. But there is more at stake for the lives of ordinary Americans, and for American democracy itself, than most of us are acknowledging in this curtailed debate.

It is because of what is at stake in trade agreements, and because of what is at stake for democracy, that I decline to relinquish my responsibility to represent the people of my State in the regulation of trade. I believe fast track is unnecessary and dangerous.

The way this matter is generally presented here in Congress and in the

media is that fast track is a mechanism which is needed to allow our executive branch to enter into long and complicated negotiations with our trading partners, while also preserving the role of the legislative branch in helping to set trade policy. Anyone who is against fast track, therefore, must be against the very idea of negotiating trade agreements.

That is the regular presentation of this issue. Opponents must be against free trade. They must be afraid of subjecting some favored constituency to global competition. Only protectionists, according to this logic, vote against fast track.

This logic is wrong. I am not a protectionist. I favor a generally open world trading system. Hundreds of large and small companies and their employees in my State, as well as farmers, rely on the ability to sell their products to foreign customers based on principles of fair competition. Also, both U.S. consumers and producers benefit from the pressure to provide higher quality products at better prices—when that competition is not based on exploitation of workers or of the environment.

Trade is a generally positive force, and there should be multilateral negotiations aimed at maintaining fair and workable rules of trade. There is no question that agreements aimed at improving global trading practices are desirable. Nor is there doubt that, in this country, the executive branch should play the leading role in negotiating such agreements.

But the question here is whether we in Congress, as representatives of the people, choose to surrender our responsibility to shape these trade agreements. In many ways it is probably easier to do that. We can allow the mystique of free trade and the supposed rights of the executive branch tie our hands. Then we do not have to answer for what is in these agreements. Then we do not need to subject specific provisions affecting particular industries, or environmental or consumer standards, or farm policy, or the practices of our corporations in the Third World, to scrutiny.

At the end of the process, therefore, it is possible to throw up our hands and say that this or that agreement is not perfect, and it may harm particular interests, but that it still advances the cause of free trade. This, every economist insists, will create millions of jobs. We do not have to take responsibility for what is in the agreements because the rules, which we agree to in advance, prohibit us from amending them. Our only role is to make our speech and vote up or down.

Fast track proponents argue that the law itself assures adequate consultation with Congress and the public. From my brief experience here in Congress that has not worked especially well. The previous administration never held promised field hearings across the country on the likely effects of the Dunkel Draft, the working text for this Uruguay round of GATT talks. And while I appreciate the accessibility of the U.S. trade representative and other of our negotiators to myself, other members and committees here on the Hill, the ability actually to affect what is in these agreements seems to reside mostly within one committee in each House.

Representatives of many sectors of our economy, as well as of individual companies, have excellent access to our negotiators to ensure that their interests are protected in the negotiating process. That is to be expected. These interests have ample opportunity to amend the texts of trade agreements through their contacts with negotiators.

But what about the ordinary people who I represent? What about citizens who fought in their State legislature or in their local community for an environmental or consumer protection that would be overridden by GATT? What about Minnesota farmers who are asked to abide by increasingly strict environmental regulations with less government support, but who would be subjected to competion that is heavily subsidized by other governments, and to competition from products coming from export-oriented megafarms in countries where labor and the environment are harshly exploited?

When do these people get a chance to amend trade agreements?

The explosion of citizen interest in the complicated North American Free-Trade Agreement [NAFTA] is just the beginning, in my opinion, of a change in the way trade policy will be made from now on in this country. I believe this is positive. The economic impact of the commercial provisions of trade agreements is profound and deeply affects people's lives. These agreements will change communities, and they will change families.

Furthermore, there are far more than commercial and economic interests at stake in trade agreements. The involvement of the environmental movements in the NAFTA debate is the first step toward what must be the permanent consideration of environmental effects of trade agreements—not just in parallel or side agreements or annexes, but in the texts of agreements themselves.

The fast-track procedure we are voting on today relates to an issue, global trade talks, GATT, which is so large and complex that many ordinary Americans feel they don't have sufficient information to form a clear opinion about it. Because trade talks are conducted by specialized professional negotiators in a language that can be very technical and arcane, many citizens have a hard time getting a handle on what is really being debated.

Nonetheless, I assure you that debate over GATT is taking place not only here on the floor of Congress, but across the country. It certainly is in my State. Yet the majority of the citizens of Minnesota are not represented by the official members of GATT private-sector advisory groups. They will not have the opportunity, under fast-track rules, to have their representative propose amendments.

Mr. President, I would like to conclude today the same way I concluded the last time we debated fast-track authorization here on the floor. That is by acknowledging that, of course, the executive branch should conduct trade negotiations. But there is no reason for us to give them such exclusive power to do so. If a trade agreement cannot withstand our democratic process, then it doesn't deserve to be enacted. We have concluded dozens of international agreements and treaties in recent years, many complex and controversial, without fast track.

Citizens across America have been alerted to trade's importance. They will, and they should, fight for more public participation concerning trade policy. I, too, must insist on our right to fully debate and to alter these agreements. Fast track short-circuits the democratic process. I cannot forfeit my responsibility to represent Minnesota on issues that are key to the future of this country.

Mr. KOHL. Mr. President, I have voted for fast track in the past in order to give the President the authority to negotiate on behalf of our country. Let me make it clear what that vote means. It does not mean that I endorse, in advance, what he negotiates. It does mean that I recognize reality: Without the fast-track authority, the United States cannot negotiate changes in international trade agreements because no nation will sign a deal with us knowing that, after it signed, the Congress can demand modifications in it.

It does not seem to me that we can put ourselves in the situation of not negotiating international trade agreements. Trade is an inherent part of the world in which we live. We can either try to write rules which benefit us or we can try to survive with rules that other nations write—rules which are crafted without us are more likely to harm us.

I understand and respect the arguments of those who suggest that fast track gives the executive branch too much power and the legislative branch too little. But I believe that is true more in theory than it is in reality. In reality, the executive branch—under President Bush and now under President Clinton—has solicited and welcomed congressional input into American position in the negotiations. And in reality, after the President negotiates an agreement, the Congress does have a great deal of influence in shaping the legislation which implements

it. So we have influence throughout both the negotiations and the ultimate legislative process. And I believe that this administration will be responsive to our concerns.

And believe me, I have some concerns. I worry about the prospects for our domestic dairy industry in the current trade climate. I am concerned about efforts to remove section 22 protection for U.S. dairy imports, and to move toward tarification. In the current international climate, we must be advancing our opportunities for increased dairy product markets abroad. But we cannot do so with blind neglect to the concerns about our domestic industry. I can envision a world in which we could eliminate section 22 quotas without greatly disrupting our domestic agricultural economy, but that world would have to include a far greater willingness on the part of the European Community and others to reduce export subsidies than I have seen to date.

In general, I am encouraged that President Clinton is more sensitive to family farm concerns than was President Bush. As such, I am hopeful that he will be more willing to heed the advice of those of us in Congress that argue on behalf of family farms. With this in mind, I would like to give him the opportunity to negotiate that was extended to President Bush. Further, while the jury is still out with regard to key components of the dairy negotiations, such as market access issues, I believe that some improvements have been made in the negotiations since fast track was last approved by the Senate 2 years ago.

In short, I will vote to extend fast-track authority to the President because I believe that trade negotiations should and must continue. However I continue to have concerns about the current negotiations with regard to our domestic dairy industry, and I am hoping to see improvement in that regard.

Mr. GLENN. Mr. President, while I will vote for the extension of the fast-track negotiating authority this evening, I want to make it very clear that I have serious concerns about the treatment of import sensitive glassware in the ongoing tariff negotiations. Reportedly the United States is considering a 50 percent duty reduction in this category of goods. A cut of this magnitude would be devastating to the remaining U.S. glassware producers.

This industry is extremely import sensitive. With current duties, imports continue to flood our market, threatening the survival of the domestic industry, a major portion of which is located in Ohio. Scores of glassware plants have closed in the past decade and thousands of jobs have been lost. The exclusion of import sensitive glassware from duty elimination under the generalized system of preferences serves to highlight the special sensitivity of this sector.

We need to make sure that tariff concessions in the Uruguay round do not wipe out what is left of our glassware industry. There is a real danger that a 50 percent cut would do just that. I have communicated my concern to USTR—three times this year alone—yet I am not at all confident that the message is being received. So let me once again urge USTR not to sacrifice the U.S. glassware industry as they attempt to complete a tariff package.

Mr. CRAIG. Mr. President, today we are debating legislation that will greatly affect the future of this Nation's economy. The legislation pending before us today will extend the President's authority to continue to negotiate the Uruguay round of multilateral trade negotiations. Without this extention, we will not be able to move forward and level the playing field for U.S. products and exports.

Without fast track, the President cannot assure our negotiating partners that the deal they strike is the deal that will be voted on by Congress. That would significantly hinder our ability to negotiate a good agreement.

We have all been inundated with information on both the merits and evils of the Uruguay GATT round. But, as every Senator knows, what many people have failed to realize is that fast track is not a trade agreement. Some have chosen to spread fear and misinformation regarding fast track, blatantly ignoring the reality of the statute enacting it.

Fast track is anything but fast. It is an unfortunate choice of names because the name has led many to believe that it will allow the Government to quickly and secretly negotiate away our position in a trade agreement. Mr. President, this is simply not the case.

Fast track is a process—a process, Mr. President, that directly involves both the Congress and the private sector.

I have met with the U.S. trade representative, Mickey Kantor, to discuss issues important to my State like the impact of trade negotiations on agriculture programs and nonagriculture sectors of our economy. I feel confident that he will work to keep Congress and the private sector informed and involved on trade negotiations, including the GATT—this is something that is also included in the fast-track provisions.

One of the complaints most commonly made by those opposed to this process is that the Congress gives up its authority. This is just not the case. Fast track does not undercut Congress' role in the negotiation, approval and implementation of trade agreements. As I noted above, the statute has extensive notification and consultation requirements. Not only do we have explicit language in the law, but we have precedents to rely on. Negotiators have been available to meet with Members and Senators to discuss steps taken and to obtain advice on how to continue as the negotiations developed.

Furthermore, Mr. President, in my experience, the trade representatives's office has been very accommodating and willing to respond in a timely and helpful manner to my concerns. It is not the process of fast track that would prevent the Congress or private industry from being involved in trade negotiations, but, rather, the choices made by individuals and Members of Congress.

It is the responsibility of the Congress to continue to be actively involved with this process once we pass this legislation and move forward with fast track, and we will still have the authority to do so.

One last comment, Mr. President, is that Congress holds the final card on whether or not a Uruguay GATT round agreement is accepted. The U.S. Senate and the U.S. House of Representatives have the final vote to either accept or reject an agreement. But if we don't have fast track, the attempt to bring this negotiation to a close by December 15, 1993, will not occur.

Again, to vote for fast track is not to vote for a GATT agreement. There is opportunity to improve our trading position through the GATT; therefore, it warrants putting forth the effort to try to achieve a good agreement. The process has worked in the past, and is necessary if we are to move forward with trade negotiations.

Mr. President, I support the extension of fast track, but that does not extend to automatic support of any final GATT agreement. I remain concerned about the potential impact of this agreement, especially on agriculture, and in the area of our antidumping statues. I will work very closely with the trade representative's office to ensure that the agreement will benefit both Idaho's and our Nation's economy. And, I will not approve any final agreement until I can evaluate the merits of that agreement.

Mr. LEVIN. Mr. President, I am voting today to grant the President fast-track negotiating authority for 6 months to negotiate the Uruguay round of the General Agreement on Tariffs and Trade [GATT].

I am voting today to give the President this authority for GATT even though I opposed providing fast-track authority in the past when it was linked to negotiating the North American Free-Trade Agreement [NAFTA]. I opposed granting fast-track negotiating authority for NAFTA because I feared what it would lead to. My fears turned out to be true—its a bad deal. Further fast-track authority is not essential in negotiating a trade agreement between only a few countries. If Congress should amend a final agreement it would not be overly difficult to

go back and renegotiate those provisions with the other countries involved.

However, because the GATT is a multilateral negotiation between over 100 countries, I believe a case can be made that it would be considerably more difficult to negotiate a multilateral agreement such as GATT if each congressional amendment had to be renegotiated with all the various countries involved.

Also, based on representations in a letter from U.S. trade representative Mickey Kantor that a Uruguay round agreement will not undermine our ability to effectively utilize section 301 of our trade law and specific assurances that the administration is committed to seeking a Uruguay round agreement which preserves our antidumping and countervailing duty laws as effective remedies against unfair trade practices, I will vote for fast-track. I want to make it clear that this is not a vote on final passage of the Uruguay round of the GATT. I continue to be concerned about the outcome of that agreement. However, I will agree to give the President the chance to try to negotiate a good agreement.

Mr. SIMON. Mr. President, I intend to vote for S. 1003, legislation to renew negotiating authority and to provide for fast-track approval procedures for agreements concluding the Uruguay round of GATT.

Negotiations on the Uruguay round of GATT have been going on since September of 1986. President Clinton has announced his intention to conclude these negotiations this year. Realistically, to finish this round of the GATT, the President needs fast-track authority. I believe that it is in our best interest to support that goal. By giving the President fast-track authority, we signal our confidence in his ability to conclude a successful agreement in a timely manner.

The trade liberalization made possible by previous rounds of GATT has been a benefit to our country and all other countries that have participated. The current round of GATT negotiations will modernize the rules by which we trade with our partners. That modernization is badly needed. More importantly, by lowering tariff and nontariff barriers around the globe, the GATT will increase access of American companies to closed markets. Certain restrictive trade practices, including protection on trade in services and intellectual property, which are now utilized by some of our trading partners, will be eliminated. That could significantly aid industries who are hampered by those barriers.

A less restrictive world trading system will increase economic growth throughout the world and its benefit to the U.S. economy will be particularly important. Our present economic situation suggests that we should act quickly to ensure that exports continue to contribute to our Nation's economic growth.

Many of my colleagues have argued that this extension of fast-track negotiating authority cedes too much of Congress' power to regulate Commerce with foreign nations. This extension of fast-track authority applies only to GATT, and Congress reserves the right to approve or reject that trade pact. At the same time, however, Congress makes it possible for the Clinton administration to conclude a multilateral agreement that will further free trade between more than 100 nations.

Mr. BIDEN. Mr. President, my vote today for extension of trade negotiating authority will not be given lightly. I have listened with interest to the sincere arguments of my colleagues who have expressed their concerns about the constitutional prerogatives of Congress, on the one hand, and the potential risks of international trade, on the other.

Just 2 years ago, we faced this same choice. As I stated then, there are no simple answers to such questions. I support this proposal because I am convinced that a vote to extend the President's trade negotiating authority is by no means the final word on those issues.

Mr. President, granting so-called fast-track treatment to an agreement negotiated abroad by the President does not weaken the ability—or the responsibility—of Congress to protect the legitimate interests we represent here at home. Any agreement reached by the administration under the extended negotiating authority that this proposal provides must come back to Congress.

Here, we will have a direct role from the beginning, in drafting the legislation to implement any agreement. And, more importantly, we will have the last word on final passage.

This extension of the President's authority to negotiate is essential to a successful completion to the current round of international trade talks. The glacial pace of negotiations of the Uruguay round of the GATT exhausted all of the time available. Without an extension of negotiating authority, an irreplaceable opportunity to reap the benefits of increased international trade will be lost.

Of course, Mr. President, we cannot assume that just any agreement that results from those negotiations will bring substantial benefits. Among the advocates of free trade are some who deduce its supposed gains from abstract economic principles and tidy textbook charts. I am not one of those.

But I am someone who believes that increasing the choices available to American consumers, that decreasing artificial barriers to the choices they can make, can increase our own domestic economic activity and bring widespread gains.

But none of those advantages can be achieved unless we give the President's negotiating authority the fast track congressional procedures that have been the focus of the most heated discussion here today. Unless we send President Clinton to Tokyo with the same authority we granted to previous administrations, our major trading partners would be reluctant—indeed, Mr. President, they would be foolish—to sign onto an agreement that could be completely undone once the President brings it home.

That is why I support this fast-track extension—to permit completion of a key round of international trade negotiations, negotiations that can bring the world closer together through the ties of trade, at a time when across the globe countries have a great need for an expansion of their markets.

We are among those seeking larger markets for our products. The price of access to those markets will be a successful GATT agreement, and the means to that agreement is the fast-track authority the President needs to bring those trade talks to an end.

But make no mistake, Mr. President, my vote to grant President Clinton the same negotiating authority that we granted to previous administrations is not a blank check to give away important American interests. As I said when we granted this authority 2 years ago, any agreement he brings home must bring with it clear, concrete benefits for this country, or when Congress reasserts its prerogative to have the last word, I am fully prepared to vote no.

Mr. MOYNIHAN. Mr. President, I think we are ready to vote, and I hope we will vote resoundingly, affirmatively sending the President of the United States to Tokyo with the complete support of the U.S. Senate.

Mr. PACKWOOD. I yield back the remainder of our time.

Mr. MOYNIHAN. I yield back the remainder of our time.

The PRESIDING OFFICER. The clerk will read the bill for the third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE], the Senator from Rhode Island [Mr. PELL], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Arizona [Mr. PRYOR] are necessarily absent.

I also announce that the Senator from Washington, [Mrs. MURRAY], is absent because of illness.

I further announce that, if present and voting, the Senator from Washington [Mrs. MURRAY] and the Senator

from Rhode Island [Mr. PELL] would each vote yea.

I further announce that, if present and voting, the Senator from Minnesota [Mr. WELLSTONE] would vote nay.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I also announce that the Senator from Pennsylvania [Mr. SPECTER] is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 16, as follows:

{Rollcall Vote No. 192 Leg.}

YEAS—76

Baucus	Ford	Mathews
Bennett	Glenn	McCain
Biden	Gorton	McConnell
Bingaman	Graham	Mikulski
Bond	Gramm	Mitchell
Boren	Grassley	Moseley-Braun
Boxer	Gregg	Moynihan
Bradley	Harkin	Nickles
Breaux	Hatch	Nunn
Brown	Hatfield	Packwood
Bryan	Hutchison	Pressler
Bumpers	Inouye	Reid
Burns	Johnston	Riegle
Chafee	Kassebaum	Robb
Coats	Kempthorne	Rockefeller
Cochran	Kennedy	Roth
Cohen	Kerrey	Sarbanes
Coverdell	Kerry	Sasser
Craig	Kohl	Simon
D'Amato	Lautenberg	Simpson
Danforth	Leahy	Smith
DeConcini	Levin	Stevens
Dodd	Lieberman	Wallop
Dole	Lott	Warner
Domenici	Lugar	
Exon	Mack	

NAYS—16

Akaka	Feingold	Metzenbaum
Byrd	Feinstein	Shelby
Campbell	Heflin	Thurmond
Conrad	Helms	Wofford
Dorgan	Hollings	
Faircloth	Jeffords	

NOT VOTING—8

Daschle	Murray	Specter
Durenberger	Pell	Wellstone
Murkowski	Pryor	

So the bill (H.R. 1876) was passed.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE INDEFINITELY POSTPONED—S. 1003

The PRESIDING OFFICER. Under the previous order, S. 1003 is indefinitely postponed.

Mr. MOYNIHAN addressed the Chair.

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

URUGUAY ROUND AND FAST TRACK EXTENSION

Mr. MOYNIHAN. Mr. President, may I note the overwhelming agreement which this Senate gave to the President of the United States—the capacity to go forward with the largest trade negotiation in the world's history, and the G-7 meeting at Tokyo. It was bipartisan. It was nonpartisan. It was a clear message to the world. I am sure it will be heard.

And I can only thank my friend, the sometime chairman of the committee, for having made it possible in the way he did.

We have done not an inconsiderable day's work.

Mr. PACKWOOD. Mr. President, I thank my good friend, the chairman. I never cease to learn from him day after day. I regard him as one of the great Senators and great teachers that has ever served in this Senate.

SUPER 301 TRADE SANCTIONS

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of an original sense-of-the-Senate resolution by myself and others regarding Super 301 trade sanctions; that no amendments or motions to recommit be in order thereto.

Mr. PACKWOOD. Mr. President, while I would like to accommodate my friend from South Carolina, there are numerous objections to this resolution on my side. I am not actually opposed per se to the resolution of the Senator from South Carolina. I support the extension of Super 301. But his preamble is something that would make it impossible for me to vote for. I come from a State where one job in six depends on trade.

The preamble of this resolution reflects almost everything that is wrong in the United States with respect to attitudes on trade. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MOYNIHAN. I thank the Chair. I thank my distinguished colleague.

Mr. President, may I announce, because we all want to know, that I will introduce this as a bill in a meeting of the Finance Committee where we will have a chance to talk about these matters and see how many of us agree on the language, the preamble language—which cannot be an overwhelming obstacle.

I send the resolution to the desk and ask that it be properly referred.

The PRESIDING OFFICER. The resolution is received and will be referred to the appropriate committee.

Mr. HOLLINGS. The resolution will be referred to the Finance Committee?

Mr. MOYNIHAN. Yes.

Mr. President, the distinguished Senator from Michigan is seeking recognition on a matter that relates to the issue just before us.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank the Chair. I am wondering, relative to the resolution just introduced and referred, whether my good friend from New York can assure me that the reference in there to Super 301 does not refer to a particular form of that. For instance, a proposal for a stronger, sharper Super 301 is not inconsistent with the reference if the Senate decided to adopt such a stronger, sharper 301.

Mr. MOYNIHAN. Mr. President, I can emphatically assure my friend, the Senator from Michigan, that what he asks is the case. We make no prejudgments of any kind and, certainly, we will not preclude any outcome of the kind that I know he is interested in.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be added as a cosponsor to that resolution.

Mr. HOLLINGS. Mr. President, I thank the Senator from New York and the Senator from Oregon for their cooperation. I guess that is the best we could do at this particular point.

I look forward to working with the Finance Committee to see that it is properly reported.

Mr. MOYNIHAN. Mr. President, I express my thanks for the unfailing courtesy—and it goes without saying—given by the Senator from South Carolina. We will take this matter up before the Committee on Finance.

If the Senator would like to appear in this regard, he is more than welcome, and we will return to it promptly in July.

I thank the Chair.

APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, in consultation with the Republican leader, pursuant to Public Law 102-246, appoints the following individuals to the Library of Congress Trust Fund Board: Edwin L. Cox of Texas, to a 3-year term and Adele Hall of Kansas, to a 2-year term.

The Chair further announces the terms of the individuals appointed to this board on March 11, 1993, as follows: John W. Kluge of New York, to a 5-year term, and Arthur Ortenberg of New York, to a 4-year term.

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

The PRESIDING OFFICER (Mrs. FEINSTEIN). Without objection, it is so ordered.

MORNING BUSINESS

Mr. FORD. Madam President, I ask unanimous consent that we now proceed to morning business with Senators permitted to speak therein.

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

BIRTHDAY OF DR. FRANK J. CARTER

Mr. DODD. Madam President, I rise today to pay tribute to my long-time friend, Dr. Frank J. Carter of Norwich, CT, on the occasion of his 70th birthday. Dr. Carter has practiced as an obstetrician for more than 30 years in southern New England, and may well have established himself as the busiest welcoming committee to the newborn population in that region. It seems, therefore, entirely fitting to recognize the birthday of the man who has presided over so many births in Norwich for so many years.

Dr. Carter's impressive medical career began in 1944 at the New York University of Medicine, where he trained to be a medical doctor. Since then, he has built a reputation as an eminent physician who works tirelessly to maintain the highest standards of the medical practice. From 1947 to 1950, Dr. Carter trained as an intern and resident in pathology at Queens General Hospital in Queens, NY. He left New York for Waukegan, IL, in 1950, to start a general practice and, while there, spent a couple of years as a captain in the Air Force Medical Corps. It was not until 1959, after spending a few years as a ship's physician and another 4 years as a resident in obstetrics and gynecology at Maimonides Hospital and Kings County Hospital in Brooklyn, that Dr. Frank J. Carter brought his career to Norwich, and settled there permanently.

Refusing to rest on his laurels, Dr. Carter continues his medical education to this day—having completed, over the years, course work towards a masters in public health and myriad review courses in family medicine and geriatrics. Dr. Carter has pioneered new standards of proficiency by receiving training in state-of-the-art emergency medical techniques, as well. Indeed, he stands alone among his colleagues in Connecticut as the only physician to have recognized the value in participating in an emergency medical technician training program, a paramedic training program, and an advanced trauma and cardiac life support training program. As a result of this zealous attention to advancing medical knowledge, Dr. Carter maintains a fresh and current perspective on medicine and patient care.

Civic minded and people oriented, Dr. Frank Carter has adapted his profession to the changing needs of the community over the years. He is currently on staff at the Windsor Locks Medical Care Center and the Vernon Walk-In Medical Care Center, where he provides acute care services to a demographic mix of patients.

In the truest and most fundamental sense, Dr. Frank Carter is a doctor. His commitment to his craft is an extension of his commitment to people. There are many measures of Dr. Frank Carter's professional success, not the least of which are the untold numbers of babies he delivered into the world. But perhaps the most telling measure is the high regard and trust in which so many of his patients and friends hold him. Dr. Carter's long career has not diluted the human spirit of kindness, so lacking in many younger doctors who have been trained in the business of medicine. In gratitude for his many years of hard work and investment into the welfare of others, I am pleased to congratulate Dr. Frank J. Carter and extend to him my warmest birthday wishes.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 242. Sheila F. Anthony, to be an Assistant Attorney General;

Calendar 243. Frank Hunger, to be an Assistant Attorney General;

Calendar 244. Roger W. Johnston, to be Administrator of General Services;

Calendar 245. Benjamin L. Erdreich, to be a member of the Merit System Protection Board;

Calendar 246. Benjamin L. Erdreich, to be Chairman of the Merit Systems Protection Board;

Calendar 247. Alexander F. Watson, to be an Assistant Secretary of State;

Calendar 249. Robert E. Hunter, to be the U.S. Permanent Representative on the Council of the North Atlantic Treaty Organization;

Calendar 250. Raymond L. Flynn, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See;

Calendar 251. Christopher Finn, to be Executive Vice President of the Overseas Private Investment Corporation; and

Calendar 252. Penn Kemble, to be Deputy Director of the U.S. Information Agency.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements 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 that the Senate return to legislative session.

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

So the nominations were considered and confirmed en bloc, as follows:

DEPARTMENT OF JUSTICE

Sheila Foster Anthony, of Arkansas, to be an Assistant Attorney General.

Frank Hunger, of Mississippi, to be an Assistant Attorney General.

GENERAL SERVICES ADMINISTRATION

Roger W. Johnson, of California, to be Administrator of General Services.

MERIT SYSTEMS PROTECTION BOARD

Benjamin Leader Erdreich, of Alabama, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2000.

Benjamin Leader Erdreich, of Alabama, to be Chairman of the Merit Systems Protection Board.

DEPARTMENT OF STATE

Alexander Fletcher Watson, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State.

Robert E. Hunter, of the District of Columbia, to be the United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with rank and status of Ambassador Extraordinary and Plenipotentiary.

Raymond Leo Flynn, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Christopher Finn, of New York, to be Executive Vice President of the Overseas Private Investment Corporation.

U.S. INFORMATION AGENCY

Penn Kemble, of New York, to be Deputy Director of the United States Information Agency.

STATEMENT ON THE NOMINATION OF FRANK HUNGER

Mr. COCHRAN. Madam President, I am happy to be the spokesman for the Republican side particularly in reference to Calendar No. 242, Frank Hunger of Greenville, MS, who is nominated to be an Assistant Attorney General to head the civil division of the Department of Justice.

I am happy I was able to introduce him at the hearing before the Judiciary Committee and recommend his confirmation to the Senate. I am delighted there is no objection to his confirmation. I am confident he will do an outstanding job in the capacity which he has been selected to perform. We are very proud of him in Mississippi to have been nominated for this high position.

STATEMENT ON THE NOMINATION OF RAYMOND L. FLYNN

Mr. HELMS. Madam President, I have no problem with the character and ability of Raymond Flynn to be a U.S. Ambassador. I judge him to be an intelligent and personable man.

My problem is that President Clinton has nominated Mr. Flynn—and the Senate is about to confirm him—to serve as Ambassador at a place where there should be no U.S. Ambassador at all—that is, the Vatican or the Holy See, or whatever.

But that is a battle waged and lost years ago. I was on the losing side. Just the same I remain persuaded that the

United States has no business sending an ambassador to any religious entity, be it Baptist or Methodist or, as is the case here, the seat of the Catholic Church.

Madam President, I ask unanimous consent that inasmuch as this nomination will be approved on a voice vote that the RECORD make clear that, had there been a rollcall vote, I would have voted in the negative. I reiterate that my opposition is not directed at Mr. Flynn personally; it is simply a matter of my objecting to sending a U.S. envoy to the Holy See or the Vatican.

Madam President, I am a Baptist. I would be equally strenuous if it should be proposed that an envoy be sent to represent the U.S. Government at some geographic entity of the Baptist Church.

Having said that, I should emphasize the obvious—that I do not disregard the positive role of the Vatican as a force for Christian values in a troubled world in which human life is no longer considered sacred and where traditional family values are often lacking. I remember that President Reagan, a Protestant, and Pope John Paul II, together, led the fight against godless communism—and they won.

In selecting Mayor Flynn, the President has chosen a visible pro-life American. I am certainly pleased that at least one person close to the President holds that view.

During the hearing, I submitted a number of questions for Mayor Flynn regarding his personal interpretation of the role of an ambassador to the Holy See, his qualifications and his requests for additional staffing and funding for the Vatican post. I understand that the operational costs at the Vatican will increase with the mayor's assignment and that Mayor Flynn has been granted more than the normal share of staff. I do not approve of the special exceptions made by the State Department for Mayor Flynn or any other political nominee and I certainly hope this does not signal a trend in increased spending by the State Department.

In conclusion, Madam President, I ask unanimous consent that a resolution adopted unanimously by the Southern Baptist convention regarding this nomination be printed in the RECORD at the conclusion of my remarks.

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

ON DIPLOMATIC RELATIONS WITH THE VATICAN

Whereas, Southern Baptists have always championed religious liberty and the separation of the institutions of church and state; and

Whereas, Southern Baptists have been in the forefront of opposition to the appointment of an United States Ambassador to the Vatican and the reception of an ambassador from the Vatican to the United States; and

Whereas, The Holy See of the Roman Catholic Church is an ecclesiastical entity synonymous with the Roman Catholic Church; and

Whereas, The Holy See is located in an entity called the State of Vatican City which is headed by the Bishop of Rome and in which office and citizenship are conditioned on some relationship with the Roman Catholic Church; and

Whereas, Maintaining diplomatic relations with the Vatican is clearly a violation of the First Amendment's guarantee of separation between the institutions of church and state; and

Whereas, Opposition to diplomatic relations with the Holy See should not be regarded as religious bigotry against Roman Catholics but instead as reaffirmation of a long-held Baptist conviction; and

Whereas, Southern Baptists have registered their opposition to this public policy by adopting resolutions at annual meetings in 1939, 1940, 1942, 1969, 1984 and 1986; and

Whereas, In 1983 the United States Congress repealed the federal law which explicitly barred diplomatic relations with the Vatican; and

Whereas, President Ronald Reagan successfully appointed America's first ambassador to the Vatican in 1984 over the vigorous objections of Southern Baptists and others opposed to this policy; and

Whereas, President Clinton is both a Southern Baptist and a professed advocate of church-state separation; and

Whereas, The President, contrary to the request of the Southern Baptist Christian Life Commission and other evangelicals, has nominated a candidate to be the next United States Ambassador to the Vatican.

Therefore, Be it *Resolved*, That we, the messengers to the Southern Baptist Convention meeting in Houston, Texas, June 15–17, 1993, reaffirm our opposition to diplomatic ties with the Vatican; and

Be it further *Resolved*, That we urge the United States Senate Foreign Relations Committee and the entire United States Senate to reject the nomination and to restore the federal law which barred diplomatic relations with the Vatican; and

Be it further *Resolved*, That we urge President Clinton to reconsider his position and revoke diplomatic relations with the Vatican; and

Be it finally *Resolved*, That we assure Roman Catholics that we are not acting on the basis of any bigotry against them, their spiritual leader or their strongly held convictions and that we express our desire to continue working with Roman Catholics on moral, social and public policy issues of mutual agreement.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will return to the consideration of legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Zaroff, 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.)

REPORT ON HAITI—MESSAGE FROM THE PRESIDENT—PM 29

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 5 of the United Nations Participation Act of 1945 (22 U.S.C. 287c), and section 301 of title 3 of the United States Code, in view of United Nations Security Council Resolution No. 841 of June 16, 1993, and in order to take additional steps with respect to the actions and policies of the *de facto* regime in Haiti and the national emergency described and declared in Executive Order No. 12775, I hereby report that I have exercised my statutory authority with respect to Haiti and issued an Executive order that:

—Blocks all property of any Haitian national providing substantial financial or material contributions to the *de facto* regime in Haiti, or doing substantial business with the *de facto* regime in Haiti, as identified by the Secretary of the Treasury, that is or comes within the United States or the possession or control of United States persons. The proposed order defines the term "Haitian national" to mean a citizen of Haiti, wherever located; an entity or body organized under the laws of Haiti; and any other person, entity, or body located in Haiti and engaging in the importation, storage, or distribution of products or commodities controlled by sanctions imposed on Haiti pursuant to resolutions adopted either by the United Nations Security Council or the Organization of American States, or otherwise facilitating transactions inconsistent with those sanctions;

—Prohibits the sale or supply, by United States persons, or from the United States, or using U.S.-registered vessels or aircraft, of petroleum or petroleum products or arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, police equipment and spare parts for the aforementioned,

regardless of origin, to any person or entity in Haiti or to any person or entity for the purpose of any business carried on in or operated from Haiti, and any activities by United States persons or in the United States which promote or are calculated to promote such sale or supply; and

—Prohibits the carriage on U.S.-registered vessels of petroleum or petroleum products, or arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, police equipment and spare parts for the aforementioned, regardless of origin, with entry into, or with the intent to enter, the territory or territorial sea of Haiti.

I am enclosing a copy of the Executive order that I have issued. The order was effective immediately.

The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to issue regulations implementing these prohibitions.

United Nations Security Council Resolution 841, unanimously adopted on June 16, 1993, calls on all States to adopt certain measures which are included within those outlined above. These measures are called for in recognition of the urgent need for an early, comprehensive, and peaceful settlement of the crisis in Haiti and in light of the failure of parties in Haiti to act constructively to take steps necessary to begin the restoration of democracy.

The measures we are taking respond to the Security Council's call. They demonstrate our commitment to remain at the forefront of the international community's efforts to back up with sanctions the negotiations process being sponsored by the United Nations and the Organization of American States. These steps also demonstrate unflinching support through our foreign policy of the return of democracy to Haiti.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 30, 1993.*

REPORT ON THE NATION'S ACHIEVEMENTS IN AERONAUTICS AND SPACE DURING FISCAL YEAR 1992—MESSAGE FROM THE PRESIDENT—PM 30

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I am pleased to transmit this report on the Nation's achievements in aeronautics and space during fiscal year 1992, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Not only do aeronautics and space activities involve 14 contributing departments and agencies of the Federal Government as reflected in this report, but the results of their ongoing research and development affect the Nation as a whole.

Fiscal year 1992 was a significant one for U.S. aeronautics and space efforts. It included 7 Space Shuttle missions and 14 Government launches of expendable launch vehicles (ELVs) carrying a variety of payloads ranging from NASA missions to classified payloads. In addition, there were eight launches of ELVs by commercial launch service providers operating under licenses issued by the Department of Transportation's Office of Commercial Space Transportation. On December 7, 1991, the Air Force achieved initial launch capability for the new Atlas II launch vehicle in a commercial launch by General Dynamics with support from the Air Force. The Shuttle missions included one using the Atmospheric Laboratory for Applications and Science (ATLAS-1) to study the Sun and our atmosphere, as well as the first flight of the newest orbiter, *Endeavour*, which rendezvoused with, retrieved, and replaced the perigee kick motor of the INTELSAT VI (F-3) satellite that INTELSAT controllers then deployed into its intended orbit.

In aeronautics, efforts have ranged from development of new civil and military aircraft and technologies to research and development of ways to reduce aircraft noise and improve flight safety and security.

One of the major Earth science highlights of the year was the discovery that, like the ozone layer over the Antarctic with its well-documented annual depletion, the ozone layer in the Northern Hemisphere is increasingly vulnerable to depletion by synthetic chemicals. Several Federal agencies have cooperated to study this and other environmental challenges.

Thus, fiscal year 1992 was a successful year for the U.S. aeronautics and space programs. Efforts in both areas have promoted significant advances in the Nation's scientific and technical knowledge that promise to improve the quality of life on Earth by increasing scientific understanding, expanding the economy, and improving the environment.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 30, 1993.*

MESSAGES FROM THE HOUSE

At 1:56 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 847. An act to provide for planning and design of a National Air and Space museum extension at Washington Dulles International Airport.

H.J. Res. 213. Joint resolution designating July 2, 1993, and July 2, 1994 as "National Literacy Day".

The message also announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 88. Joint resolution to designate July 1, 1993, as "National NYSP Day."

MEASURES REFERRED

The following joint resolution was read the first and second times by unanimous consent and referred as indicated:

H.J. Res. 213. Joint resolution designating July 2, 1993, and July 2, 1994 as "National Literacy Day"; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent and placed on the calendar:

H.R. 847. An act to provide for planning and design of a National Air and Space Museum extension at Washington Dulles International Airport.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-966. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report for fiscal year 1992 describing significant technology-related accomplishments; to the Committee on Armed Services.

EC-967. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, certified materials with responses to Commission queries and requests for additional information; to the Committee on Armed Services.

EC-968. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, certified materials with responses to Commission queries and a review of the ICP military value evaluation; to the Committee on Armed Services.

EC-969. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, certified materials with responses to Commission queries and requests for additional information with a response regarding Long Beach Naval Shipyard; to the Committee on Armed Services.

EC-970. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation "to amend title 10, United States Code, to cover civilian faculty of the George C. Marshall European Center for Security Studies"; to the Committee on Armed Services.

EC-971. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report of a certification relative to

the current Future Years Defense Program; to the Committee on Armed Services.

EC-972. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, certified materials with responses to Commission queries and requests for additional information; to the Committee on Armed Services.

EC-973. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, certified materials with responses to Commission queries and requests for additional information; to the Committee on Armed Services.

EC-974. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report of a transaction involving U.S. exports to the Kingdom of Thailand; to the Committee on Banking, Housing and Urban Affairs.

EC-975. A communication from the Acting Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, a report on enforcement actions and initiatives for calendar year 1992; to the Committee on Banking, Housing and Urban Affairs.

EC-976. A communication from the Principal Deputy (Production and Logistics), Assistant Secretary of Defense, a report on the Department of Defense Metric Transition Program for fiscal year 1992; to the Committee on Commerce, Science and Transportation.

EC-977. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the Comprehensive Ocean Thermal Technology Application and Market Development Plan; to the Committee on Energy and Natural Resources.

EC-978. A communication from the Deputy Associate Director for Compliance (Royalty Management Program), Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Veterans' Affairs, without amendment:

S. 970. A bill to amend title 38, United States Code, to codify the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans as such rates took effect of December 1, 1992, and to make a technical correction relating to the financing of discount points for certain veterans loans (Rept. No. 103-81).

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

H.R. 588. A bill to designate the facility of the United States Postal Service located at 20 South Main in Beaver, Utah, as the "Abe Murdock United States Post Office Building."

S. 464. A bill to redesignate the Pulaski Post Office located at 111 West College Street in Pulaski, Tennessee, as the "Ross Bass Post Office."

S. 1130. A bill to provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes.

S. 1131. A bill to extend the method of computing the average subscription charges under section 8906(a) of title 5, United States Code, relating to Federal employee health benefits programs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Environment and Public Works:

Johnny H. Hayes, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 1996.

Craven H. Crowell, Jr., of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for the term expiring May 18, 2002.

By Mr. NUNN, from the Committee on Armed Services:

Edwin Dorn, of Texas, to be an Assistant Secretary of Defense.

Chas. W. Freeman, of Rhode Island, to be an Assistant Secretary of Defense.

Frank G. Wisner, of the District of Columbia to be Under Secretary of Defense for Policy (Ex. Rept. No. 103-3).

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

**In the Army there are 486 promotions to the grade of colonel (list begins with Charles W. Absher) (Reference No. 37).

*Brig. Gen. George K. Anderson, USAF to be major general (Reference No. 56).

*In the Air Force there are 4 appointments to the grade of major general (list begins with Joseph E. Hurd) (Reference No. 57-2).

*In the Navy there are 6 promotions to the grade of rear admiral (lower half) (list begins with William "V" Cross) (Reference No. 63).

**In the Army there are 35 promotions to the grade of lieutenant colonel (list begins with Jeffrey F. Addicott) (Reference No. 83).

**In the Air Force there are 1,641 promotions to the grade of colonel and below (list begins with Laura Boone) (Reference No. 89).

*Lt. Gen. Johnnie H. Corns, USA to be placed on the retired list in the grade of lieutenant general (Reference No. 255).

*Vice Adm. Edward W. Clexton, Jr., USN to be placed on the retired list in the grade of vice admiral (Reference No. 256).

*LT. Gen. Thomas A. Baker, USAF to be placed on the retired list in the grade of lieutenant general (Reference No. 339).

*Gen. James B. Davis, USAF to be placed on the retired list in the grade of general (Reference No. 340).

*Maj. Gen. John G. Lorber, USAF to be lieutenant general (Reference No. 341).

*Lt. Gen. James L. Jamerson, USAF for reappointment to the grade of lieutenant general (Reference No. 342).

**In the Army there are 74 promotions to the grade of major (list begins with John B. Alumbaugh) (Reference No. 343).

*Lt. Gen. Martin J. Ryan, Jr., USAF to be placed on the retired list in the grade of lieutenant general (Reference No. 366).

*Lt. Gen. Richard J. Trzaskoma, USAF to be placed on the retired list in the grade of lieutenant general (Reference No. 367).

*Vice Adm. Henry G. Chiles, Jr., USN for reappointment to the grade of vice admiral (Reference No. 387).

*Rear Adm. (Selectee) George W. Emery, USN to be vice admiral (Reference No. 388).

**In the Air Force Reserve there are 3 appointments to the grade of lieutenant colonel (list begins with Alan R. Westrom) (Reference No. 389).

**In the Air Force Reserve there are 18 promotions to the grade of lieutenant colonel (list begins with Franklin C. Albright) (Reference No. 390).

**In the Air Force Reserve there are 14 promotions to the grade of lieutenant colonel (list begins with Jimmy L. Davis, Jr.) (Reference No. 391).

**In the Air Force Reserve there are 21 promotions to the grade of lieutenant colonel (list begins with Thomas E. Allen) (Reference No. 392).

**In the Air Force Reserve there are 58 promotions to the grade of lieutenant colonel (list begins with Gerald S. Beilstein) (Reference No. 393).

**In the Army Reserve there are 68 promotions to the grade of colonel and below (list begins with Richert Auhoy) (Reference No. 394).

**In the Army Reserve there are 20 promotions to the grade of colonel and below (list begins with Stephen L. Goff) (Reference No. 395).

**In the Army Reserve there are 37 promotions to the grade of colonel and below (list begins with James B. Cichanski) (Reference No. 396).

**In the Army there are 3 promotions to the grade of lieutenant colonel (list begins with Joyce Arnold) (Reference No. 397).

*Col. Wilfred Hessert, ANG to be brigadier general (Reference No. 427).

*Lt. Gen. James D. Starling, USA to be placed on the retired list in the grade of lieutenant general (Reference No. 428).

Total: 2,504.

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. GRASSLEY (for himself and Mr. CONRAD):

S. 1180. A bill to amend the Internal Revenue Code of 1986 to encourage the production and use of wind energy; to the Committee on Finance.

By Mr. SIMPSON (for himself and Mr. METZENBAUM):

S. 1181. A bill to amend the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", enacted July 5, 1946 (commonly known as the Lanham Act), to require certain disclosures relating to materially altered films; to the Committee on the Judiciary.

By Mr. PELL (for himself and Mr. SIMON):

S. 1182. A bill to amend the Arms Control and Disarmament Act to strengthen the Arms Control and Disarmament Agency and to improve congressional oversight of the activities of the Agency; to the Committee on Foreign Relations.

By Mr. METZENBAUM (for himself, Mr. GLENN, Mr. LEVIN, Mr. KOHL, Mr. FEINGOLD, Ms. MOSELEY-BRAUN, Mr. SIMON, and Mr. RIEGLE):

S. 1183. A bill to amend the Federal Water Pollution Control Act to provide for confined soil disposal facilities, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BROWN (for himself, Mr. GRASSLEY, and Mr. NICKLES):

S. 1184. A bill to limit the amount of indirect costs that may be incurred in conducting federally sponsored university research and development to 50 percent of the modified total direct costs related to such research and development; to the Committee on Governmental Affairs.

By Mr. GLENN:

S. 1185. A bill to provide for a pollution prevention for cities program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COHEN:

S. 1186. A bill for the relief of Olga D. Zhondetskaya; to the Committee on the Judiciary.

By Mr. DORGAN:

S. 1187. A bill to establish a Civilian Facilities Closure and Realignment Commission to reduce unnecessary spending in the Federal Government by closing or realigning duplicative, wasteful, or otherwise unnecessary civilian facilities, and for other purposes; to the Committee on Governmental Affairs.

By Mr. COVERDELL (for himself, Mr. FAIRCLOTH, Mr. KEMPTHORNE, and Mr. GREGG):

S. 1188. A bill to provide that Federal regulatory mandates shall not be enforced unless the cost to the States of implementing them are funded by the Federal Government; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN (for himself, Mr. BAUCUS, Mr. DANFORTH, Mr. HOLLINGS, Mr. RIEGLE, Mr. DASCHLE, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. KERRY, Mr. BYRD, Mr. ROCKEFELLER, Mr. KENNEDY, and Mr. LEVIN):

S. Res. 126. A resolution to express the sense of the Senate that the identification of trade liberalization priorities under "Super 301" should be made permanent; to the Committee on Finance.

By Mr. COCHRAN (for Mr. DOLE):

S. Res. 127. A resolution to print as a Senate document a collection of statements made in tribute to the late First Lady of the United States, Patricia Ryan Nixon; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Mr. CONRAD):

S. 1180. A bill to amend the Internal Revenue Code of 1986 to encourage the production and use of wind energy; to the Committee on Finance.

WIND ENERGY INCENTIVES ACT OF 1993

Mr. GRASSLEY. Mr. President, today I am introducing the Wind Energy Incentives Act of 1993, and I do this along with the help and cosponsorship of our distinguished Senator from North Dakota [Mr. CONRAD]. Our legislation will build upon the renewable energy production tax credit that I sponsored in the last Congress, and that was included as part of the Energy Policy Act of 1992, which President Bush signed into law in October of last year.

The production credit provides a 1.5-cent-per-kilowatt incentive for the production of electricity by wind energy or closed-loop biomass.

Our Nation imports nearly 50 percent of our energy needs, which as we all know is not only dangerous but of course very costly to the American taxpayer. Even in my own State of Iowa, we are currently an energy importing State. What makes energy, and particularly wind energy exciting is the fact that many States like my State of Iowa have an incredible potential for wind energy production.

There are a number of wind energy projects in Iowa and elsewhere that are already either producing electricity or are in the process of doing so. With all the costs factored in, wind energy can produce electricity at nearly half the cost of fossil fuels. And, of course, the supply of wind energy is unlimited. We strengthen ourselves both from the standpoint of improving our unfavorable balance of trade because we import so much oil, and we are more energy independent, which is very important for national security purposes.

Although the new production credits are extremely helpful in creating more renewable energy, there are further steps that need to be taken to broaden the use and effectiveness of wind energy, way beyond what was included in the legislation that I had passed last year.

One effective way to increase wind energy production is to apply the existing section 48 investment tax credit to small wind turbines used primarily by farmers to generate electricity for agricultural purposes. This will be very beneficial in regard to individuals producing renewable energy. Farmers could become energy independent and then turn around and sell off excess energy to others.

On the corporate side, if a company is under the alternative minimum tax, it cannot take effective advantage of the section 45 production credit. Therefore, under our bill, companies producing electricity from wind energy will be able to offset 25 percent of their minimum tax with the credit that we propose. This would then be a tremendous boost, Mr. President, to further incentives for wind energy production.

We need to remedy these problems, and do it as soon as possible. Americans are in danger of losing the technological edge that we have in renewable energy production. We need to make the energies of the future the energies of today. We believe we can do that through this tax credit. This will all mean new jobs; it will mean a healthier environment, and independence from foreign oil.

So I urge my colleagues to join the distinguished Senator from North Dakota [Mr. CONRAD] and myself in this effort that I propose here in the introduction of this bill.

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. 1180

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Wind Energy Incentives Act of 1993".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, 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 Internal Revenue Code of 1986.

SEC. 2 ENERGY-RELATED PRODUCTION CREDITS MAY OFFSET 25 PERCENT OF MINIMUM TAX.

(a) IN GENERAL.—Section 38(c) (relating to limitation based on amount of tax) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) ENERGY CREDITS MAY OFFSET 25 PERCENT OF MINIMUM TAX.—

"(A) IN GENERAL.—In the case of the energy credit—

"(i) this section and section 39 shall be applied separately with respect to such credit, and

"(ii) for purposes of applying paragraph (1) to such credit—

"(I) 75 percent of the tentative minimum tax shall be substituted for the tentative minimum tax under subparagraph (A) thereof, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the energy credit).

"(B) ENERGY CREDIT.—For purposes of this paragraph, the term 'energy credit' means the portion of the credit under subsection (a) which is attributable to the credit determined under section 45(a)."

(b) CONFORMING AMENDMENT.—Section 38(d) is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULE FOR ENERGY CREDIT.—Notwithstanding paragraphs (1) and (2), the energy credit described in subsection (b)(8) shall be treated as used last."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after June 30, 1993.

SEC. 3. SMALL WIND TURBINES ELIGIBLE FOR ENERGY CREDIT.

(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3) (defining energy property) is

amended by striking "or" at the end of clause (i), by redesignating clause (ii) as clause (iii), and by inserting after clause (i) the following new clause:

"(ii) equipment which uses wind energy to generate electricity but only if such equipment has a rated capacity of 50 kilowatts or less and is not primarily used in the trade or business of producing electricity for sale to an unrelated person, or".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to property placed in service after December 31, 1993.

SEC. 4. LESSEES ELIGIBLE FOR CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) IN GENERAL.—Paragraph (3) of section 45(c) (defining qualified facility) is amended by striking "owned by taxpayer" and inserting "operated by the taxpayer".

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 45(d) (relating to production attributable to the taxpayer) is amended to read as follows:

"(c) In the case of a facility in which more than 1 person has an interest, except to the extent prescribed in regulations, production from the facility shall be allocated among such persons in proportion to their respective interests in the gross sales from the facility."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities originally placed in service after June 30, 1993.

SEC. 5. SECTION 45 ELIGIBILITY PERIOD.

Paragraph (3) of section 45(c) (defining qualified facility) is amended by striking "December 31, 1993" and inserting "June 30, 1993".

Mr. CONRAD. Mr. President, I would like to commend my colleague from Iowa, Mr. GRASSLEY, for introducing the Wind Energy Incentives Act. I am proud to be an original cosponsor of this legislation. This bill takes an important step in encouraging the development of wind energy, which is one of the most promising and abundant potential sources of clean, renewable energy.

The United States faces a serious energy problem. Energy is essential to all forms of economic activity, but we have grown increasingly dependent on energy imports. As oil imports have expanded to roughly half of domestic consumption, energy imports have grown to make up over half the U.S. trade deficit.

These figures should cause serious concern. The United States is increasingly at the mercy of foreign oil producers, and it is draining our economy. We need to take action to limit the danger of our growing dependency on energy imports.

Last year Congress passed and the President signed the Energy Policy Act, which takes a number of important steps toward reducing this dependency. This landmark act puts America on the track toward greater energy efficiency, greater use of domestic, renewable energy resources, and reduced dependence on foreign energy sources.

Renewable energy can provide tremendous economic benefits to our country. By using energy from wind, from the Sun, from crops, and from the heat of the Earth, we will be keeping more of the money we spend on energy at home and sending less of it overseas. In addition, these renewable sources provide energy in a safe and nonpolluting way. They produce no carbon dioxide and provide an important hedge in case growing concerns over potential climate change prove justified.

Renewable energy will benefit the entire country, but the benefits will be greatest in rural areas where most of the energy will be generated. My home State of North Dakota has abundant wind energy resources, more than any other State. According to a study by the Pacific Northwest Laboratory, North Dakota has enough wind energy potential to provide 36 percent of the electricity needs for the entire United States, making it the Saudi Arabia of wind energy.

In spite of these promising projections, renewable energy faces many barriers before it can make greater contributions to our country's energy supply. In many cases the technology is not yet mature or is available only at a price that is too high to compete in today's energy market. Utilities are often reluctant to adopt new energy forms that may require them to rethink the way they operate.

In the case of wind and energy crops, the Energy Policy Act took a big step toward reducing these barriers by opening up access to electric transmission capacity and by providing a temporary tax credit of 1.5 cents per kilowatt hour for the production of electricity from those sources. This credit is meant to reduce the cost of these renewable energy sources to make them competitive with conventional energy sources. It is also meant to encourage the development of these new resources to the point where economies of scale enable them to compete in their own right. That is why the credit expires after 10 years.

But the wind energy production tax credit suffers from some important limitations due to other features of the Tax Code. Because utilities are often reluctant to invest in wind energy, most wind energy development is done by independent companies set up for that purpose. These companies must make heavy capital investments that take them years to recoup. They may have no taxable income against which to apply the credit, or they may be subject to the alternative minimum tax, which the credit cannot currently offset.

The Wind Energy Incentives Act contains two provisions to expand the availability of the wind energy production tax credit in that situation. First of all, it allows the credit to offset 25 percent of the alternative minimum tax. Unlike the intangible drilling and depletion allowances for the oil and gas industries, it cannot completely eliminate a taxpayer's obligation under the alternative minimum tax.

A second provision makes the credit available to the operators of leased wind energy equipment. This allows business arrangements under which the owner of that equipment makes the expensive capital investment and the operator takes the production credit against current income.

In offering this provision, it is not our intention to place undue restrictions on the owners who maintain effective control of wind energy equipment even when they do not operate it directly. Owners who choose to operate their equipment indirectly through a management contract would still be eligible for the credit.

Both of these provisions would restore the intent of the wind energy production tax credit, to reduce the cost of wind relative to other energy sources.

Wind energy offers great promise for putting America on the road to greater energy independence and economic prosperity. The technology is there to make it affordable, but utilities are still reluctant to make the investment. The Wind Energy Incentives Act will reduce the barriers to this investment by making available to independent investors the wind energy production tax credit. I urge my colleagues to join me in taking this step toward energy independence.

By Mr. SIMPSON (for himself and Mr. METZENBAUM):

S. 1181. A bill to amend the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", enacted July 5, 1946 (commonly known as the Lanham Act), to require certain disclosures relating to materially altered films; to the Committee on the Judiciary.

FILM DISCLOSURE ACT OF 1993

Mr. SIMPSON. Mr. President, today on behalf of myself and Senator METZENBAUM—and again, I mention that the tributes to him were well deserved yesterday. I think he enjoyed it. Those of us who have worked with him certainly enjoyed it. He is a very special Member of this body. I have come to enjoy him and admire him greatly.

But on behalf of Senator METZENBAUM and myself, I introduce the Film Disclosure Act of 1993.

This bill addresses an activity that is personally disturbing to me: the alteration of a film creator's work by the owners of exhibitors of that film without adequate notice to the public on the extent of the alterations and the involvement of the creators in the alterations.

Quite frankly, I find the colorization of such black and white classic films as

"Lost Horizon," "Casablanca," and the "Maltese Falcon," to be demeaning and wholly inappropriate—unfair, if you will.

I strongly believe that greater protections are needed to preserve the artistic integrity of one of America's truly significant contributions to the art world: motion pictures.

I happen to be personally associated and a friend of one star of Hollywood, Isabel Jewel, who played the female lead in "Lost Horizon." She was a young lady from Shoshoni, WY. I remember her love of that particular movie, and I remember how she told me of it when I was a lad. And to see that taken from the director's hands and then altered, even though that director may no longer be with us, was to me a repugnant thing.

I also realize that authors of the film are usually not the owners. I recognize that. I always want to be very cautious about limiting the rights of an owner of the film.

But the bill that my cosponsors and I have introduced only requires that labels be placed on films that are materially altered. We are not out to disparage anyone, to belittle anyone. That is not the purpose of the legislation.

The label must describe the alteration, and it must indicate whether the film's creative authors—the director, screenwriter, or cinematographer—object to the alteration.

This bill does nothing more than that. This bill does not prevent the altered film from being shown or sold.

This bill does not prevent or delay the film from moving from theaters to television, video stores, and other nontheatrical formats.

Further, the label required under this bill does not, in any way, disparage, demean, or defame the altered motion picture.

Nonetheless, this bill does provide important information to film audiences. It informs them about how a film has been changed from its creators' original conception.

I believe that it is in the finest spirit of a free market for consumers to be well informed. That is what this bill attempts to achieve.

In addition, I believe that some film authors are inhibited from making films when they know that they cannot inform their audience that their original works have been materially altered. This bill would perhaps limit that inhibition somewhat, and perhaps more films—or more authentically conceived films—would be made. I think that too would be a good result.

Finally, Mr. President, I want to emphasize again that the labels do not disparage the altered film, and that the existing distribution patterns in the industry would not be disturbed. And this is big, big business.

Mr. President, I am not locked in to every word in this bill, and I am certainly open to any suggestions that one might have in order to improve it.

I urge my colleagues to review this legislation and join us in cosponsorship. The Subcommittee on Patents, Copyrights, and Trademarks held a hearing on an identical bill which I introduced in the last session of Congress. And so we have that before us, that record. I believe that was excellent testimony. I believe it will be possible to enact a meaningful, reasonable bill in this session of Congress.

I urge my colleagues to examine the proposal, and request their support.

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. 1181

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 "Film Disclosure Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) motion pictures are an American art form that uniquely captures and preserves our national and cultural heritage;

(2) the integrity of a motion picture is compromised and diminished when the motion picture is sold, leased, or exhibited in a materially altered form;

(3) the public is misled when motion pictures are sold, leased, or exhibited in a materially altered form;

(4) the public has a right to know whether a motion picture which is being sold, leased, or exhibited has been materially altered;

(5) the reputation of the artistic author of a motion picture may be harmed when the original work is sold, leased, or exhibited in a materially altered form;

(6) the artistic authors of a motion picture must have the right to indicate their objections to any material alterations made to their work because otherwise the motion picture misrepresents their work;

(7) the practice of materially altering motion pictures can result in the discouragement of artistic creation in the motion picture field; and

(8) the Government has an interest in the encouragement of artistic creation through protection of an artistic author's reputation.

SEC. 3. AMENDMENT TO THE LANHAM ACT.

Section 43 of the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946, commonly known as the Lanham Act (15 U.S.C. 1125), is amended by adding at the end thereof the following:

"(c)(1)(A) Each public exhibition of a materially altered motion picture, and each copy of a materially altered motion picture offered to the public through sale or lease (including its film packaging), shall include a label which clearly and conspicuously discloses the following:

"(i) The film has been materially altered from the form in which it was first released to the public.

"(ii) The nature of the alteration.

"(iii) The fact of objection, if any, by the artistic authors of the motion picture to any such alteration.

"(B) Any distributor or network that proposes to exploit a materially altered film in the manner set forth in subparagraph (A) shall—

"(i) make a good faith effort to notify in writing and by registered mail and in a reasonable amount of time prior to such exploitation those individuals described in paragraph (5)(B);

"(ii) determine the objections of any individual so notified to any specific material alteration of the motion picture;

"(iii) determine the objection of any individual so notified by the questionnaire set forth in paragraph (9) to any type of future material alterations which are in addition to those specifically proposed for the motion picture to be exploited;

"(iv) include or affix the label required under subparagraph (A) prior to the public performance of a materially altered motion picture already in distribution or the initial distribution of a materially altered motion picture to any exhibitor or retail provider of motion pictures intended for home use; and

"(v) in the event of affirmative objections by the artistic author to any future material alterations, include or affix such objections to any copy of a motion picture distributed or transmitted to any exhibitor or retail provider.

"(C) Whenever a distributor or network exploits a motion picture which has already been materially altered, such distributor or network shall not be required to satisfy the obligations set forth in subparagraph (B) (i), (ii), and (iii), if—

"(i) such distributor or network does not further materially alter such motion picture; and

"(ii) such motion picture was materially altered by another distributor or network that complied fully with all of the obligations set forth in subparagraph (B).

"(D)(i) The requirement of a good faith effort under subparagraph (B)(i) is satisfied if a distributor or network that has not previously been notified by each individual in paragraph (5)(B)—

"(I) requests in writing the name and address of each such individual from the appropriate Professional Guild Registry, indicating a response date of no earlier than 30 days following the date of the request, by which the appropriate professional guild must respond; and

"(II) upon receipt of such information from the appropriate professional guild within the time specified in the request, notifies each such individual reasonably in advance of the date upon which the motion picture is to be released into any secondary market.

"(ii) The notice to the artistic author shall contain a specific date, no earlier than 30 days following the date of such notice, by which the individual so notified shall respond in accordance with subparagraph (B)(ii). Failure of the artistic author or the appropriate professional guild to respond within the time period specified shall relieve the distributor or network of all liability under subparagraph (B) (except for clause (iv) of such subparagraph);

"(E) The obligations of an exhibitor shall be limited to—

"(i) broadcasting, cablecasting, exhibiting or distributing all labels required under this section in their entirety as included with or distributed by the network or distributor of the motion picture; and

"(ii) including or affixing a label as described in paragraphs (6) and (8) on a materially altered motion picture as required under paragraph (1)(A) for any material alterations

performed by the exhibitor to which the individuals described in paragraph (5)(B) have objected through the questionnaire procedure described in paragraph (1)(B)(iii).

"(F)(i) The provisions of this paragraph shall apply with respect to motion pictures intended for home use through either retail purchase or rental, except no requirement imposed under this paragraph shall apply to a motion picture which has been packaged for distribution to retail providers before the effective date of this section.

"(ii) The obligations of a retail provider of motion pictures intended for home use shall be limited to including or distributing all labels required under this section in their entirety as affixed or included by a distributor or network.

"(G) There shall be no consideration in excess of one dollar given in exchange for an artistic author's waiver of any objection or waiver of the right to object under this subsection.

"(2)(A) Any artistic author of a motion picture publicly exhibited or offered to the public through sale or lease within the United States who believes he is or is likely to be damaged by a violation of this subsection may obtain appropriate relief with respect to any violation of this paragraph without regard to the nationality or domicile of the artistic author.

"(B)(i) In any action under subparagraph (A), the court shall have power to grant injunctions, according to the principles of equity and upon such terms as the court may deem reasonable, to prevent the violation of any right of an artistic author. Any such injunction may include a provision directing the defendant to file with the court and serve on the plaintiff within thirty days after the service on the defendant of such injunction, or such extended period as the court may direct, a report in writing under oath setting forth in detail the manner and form in which the defendant has complied with the injunction. Any such injunction granted upon hearing, after notice to the defendant, by any district court of the United States—

"(I) may be served on the parties against whom such injunction is granted anywhere in the United States where they may be found; and

"(II) shall be operative and may be enforced by proceedings to punish for contempt, or otherwise, by the court by which such injunction was granted, or by any other United States district court in whose jurisdiction the defendant may be found.

"(ii) When a violation of any right of an artistic author shall have been established in any civil action arising under this section, the plaintiff shall be entitled to the remedies provided under section 35(a).

"(iii) In any action under subparagraph (A), the court may order that all film packaging of a materially altered motion picture (including film packages of motion pictures intended for home use through either retail purchase or rental) that is the subject of the violation shall be delivered up and destroyed.

"(C) No action shall be maintained under this subsection unless it is commenced within 1 year after the claim accrues.

"(3) Any disclosure requirements imposed under the common law or statutes of any State respecting the material alteration of theatrical motion pictures are preempted.

"(4) To facilitate location of a potentially aggrieved party, each individual identified in paragraph (5)(B) may notify the copyright owner of the motion picture or, as appropriate, one or more of the organizations maintaining a Professional Guild Registry. These organizations may maintain a current registry of persons so notifying them and may make available such information in their possession to facilitate the location of any individual so registered for purposes of paragraph (1)(B). No cause of action shall accrue against any of the professional guilds listed in such section for failure to create or maintain a Professional Guild Registry or for any failure to provide information pursuant to paragraph (1)(B)(i).

"(5) As used in this subsection:

"(A) The term 'film' or 'motion picture' means a theatrical motion picture after its publication.

"(B) The term 'artistic author' means—

"(i) the principal director, principal screenwriter, and, to the extent a theatrical motion picture is colorized or its photographic images materially altered, the principal cinematographer of the film; or

"(ii) in the event that an individual listed in clause (i) is deceased or incapacitated, the heir or heirs of that individual.

"(C) The term 'to colorize' or 'colorization' means to add color, by whatever means, to a published version of a theatrical motion picture originally made in black and white.

"(D) The term 'distributor' means any person, vendor, or syndicator who engages in the wholesale distribution of motion pictures to any exhibitor, network, retail provider or other person who publicly performs motion pictures by means of any technology, except such term shall not include laboratories or other providers of technical services to the motion picture, video or television industry.

"(E) The term 'heir' means any person to whom a right passes by bequest or by the applicable laws of intestate succession.

"(F) The term 'lexiconning' means to alter the sound track to conform the speed of the vocal or musical portion of a theatrical motion picture which has been the subject of time compression or expansion.

"(G) The term 'exhibitor' means any local broadcast station, cable system, airline or motion picture theatre or other person that publicly performs a motion picture by means of any technology.

"(H) The term 'material alteration' means any change, with the exception of changes excluded by this subparagraph, made to a motion picture after its publication. Material alteration includes, but is not limited to, the processes of colorization, lexiconning, time compression or expansion, panning and scanning and editing (purposeful or accidental removal of existing material or insertion of new material). Material alteration does not include insertions for commercial breaks or public service announcements, editing to comply with the requirements of the Federal Communications Commission (in this subsection referred to as the 'FCC'), transfer of film to videotape or any other secondary media now in existence or developed hereafter, preparation of a motion picture for foreign distribution (subtitling and editing limited to those alterations made under foreign standards which are no more stringent than existing FCC standards) or legitimate film preservation activities (the primary purpose of which is the restoration of the motion picture to its original version).

"(I) The term 'network' means any person who distributes motion pictures to broadcasting stations or cable systems on a regional or national basis for public performance on an interconnected basis.

"(J) The term 'panning and scanning' means the process by which a motion picture, composed for viewing on theatre screens, is adapted for viewing on television screens by modification of the aspect ratio (ratio of width to height) of the motion picture and the selection, by someone other than the motion picture's principal director, of some portion of the entire picture for viewing.

"(K) The term 'Professional Guild Registry' means a list of names and addresses of persons readily available from the files of (i) in the case of directors, the Directors Guild of America (DGA); (ii) in the case of screenwriters, the Writers Guild of America-West (WGA-W) and the Writers Guild of America-East (WGA-E); and (iii) in the case of cinematographers, the International Photographers Guild (IPG), and the American Society of Cinematographers (ASC).

"(L) The term 'publication', with respect to a motion picture, means the first paid public exhibition of the work following previews, trial runs and festivals.

"(M) The term 'retail provider' means the proprietor of a retail outlet that sells or leases motion pictures for home use.

"(N) The term 'secondary media' means any medium, including but not limited to video cassette or video disc, other than television broadcast or theatrical release, now in existence or hereafter developed, by which motion pictures are sold, leased, or distributed to the public.

"(O) The term 'syndicator' means any person who distributes a motion picture to a broadcast television station, cable television system, or any other means of distribution by which programming is delivered to television viewers.

"(P) The term 'motion picture' means a motion picture of 60 minutes duration or greater, intended for exhibition, public performance, public sale or lease. Such term does not include episodic television programs of less than 60 minutes duration (exclusive of commercials), motion pictures prepared for private commercial or industrial purposes, and advertisements.

"(Q) The terms 'time compression' and 'time expansion' mean to alter the speed of a theatrical motion picture or a portion thereof with the result of shortening or lengthening the running time of the work in order to fit the picture into a television schedule, airline schedule, or secondary media length.

"(R) The term 'vendor' means the wholesaler or packager of a motion picture which is intended for wholesale distribution to retail providers.

"(6)(A) A label for a materially altered version of a theatrical motion picture intended for public performance or home use shall consist of a panel card immediately preceding and adjacent to the commencement of the motion picture, which bears one or more of the following statements, as appropriate, in legible type and displayed on a conspicuous and readable basis:

'THIS FILM IS NOT THE VERSION ORIGINALLY RELEASED. _____ mins. and _____ secs. have been cut [or, if appropriate, added]. The [insert, if appropriate: heirs of the] director, _____, and [insert, if appropriate: the heirs of the] screenwriter, _____, object because this alteration changes the narrative and/or characterization. It has (also) been panned and scanned. The director and [insert, if appropriate: the heirs of the] cinematographer, _____, object because this alteration removes visual information and changes the composition of the images. It

has (also) been colorized. Colors have been added by computer to the original black and white images. The director and cinematographer object to this alteration because it eliminates the black and white photography and changes the photographic images of the actors. It has (also) been electronically speeded up (or slowed down). The director objects because this alteration changes the pace of the performances.'

"(B) A label for a motion picture that has been materially altered in a manner not described by any of the label elements set forth in subparagraph (A) shall contain a statement similar in form and substance to those set forth in subparagraph (A) which accurately describes the material alteration and the objection of the artistic author.

"(7) A label for a motion picture which has been materially altered in multiple ways, or of which an individual served as more than one artistic author, including the principal director and principal screenwriter, need only state the name of the artistic author once, in the first objection of the artistic author so listed. In addition, a label for a motion picture which has been materially altered in multiple ways needs only state once, at the beginning of the label: THIS FILM IS NOT THE VERSION ORIGINALLY RELEASED.

"(8) A label for a film package of a materially altered motion picture shall consist of—

"(A) an area of a rectangle on the front of the package which bears, as appropriate, one or more of the statements listed in paragraph (6) in a conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the package; and

"(B) an area of a rectangle on the side of the package which bears, as appropriate, one or more of the statements listed in paragraph (6) in a conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the package.

"(9) The questionnaire required under paragraph (1)(B)(iii) shall consist of the following statement and related questions:

'In order to conform [insert name of motion picture], of which you are an "artistic author" (or the heir thereto), to ancillary media such as television, airline exhibition, video cassettes, video discs, or any other media hereafter developed, do you object to:

'(a) Editing (purposeful or accidental deletion or addition of program material)?

Yes_____ No_____

'(b) Time compression/time expansion/lexiconning?

Yes_____ No_____

'(c) Panning and scanning?

Yes_____ No_____

'(d) Colorization, if the motion picture was originally made in black and white?

Yes_____ No_____

'(e) If the artistic author of the motion picture listed above is deceased or incapacitated, are you the heir of the artistic author?

Yes_____ No_____' ".

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendment made by this Act shall take effect on the date of enactment of this Act.

(b) SPECIAL RULE.—Paragraphs (1) and (2) of section 43(c) of the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (commonly known as the Lanham Act) (as added by section 3 of this Act) shall take effect 180 days after the date of the enactment of this Act.

By Mr. PELL (for himself and Mr. SIMON):

S. 1182. A bill to amend the Arms Control and Disarmament Act to strengthen the Arms Control and Disarmament Agency and to improve congressional oversight of the activities of the Agency; to the Committee on Foreign Relations.

ARMS CONTROL AND NON-PROLIFERATION ACT OF 1993

Mr. PELL. Mr. President, today the Senator from Illinois [Mr. SIMON] and I are introducing the Arms Control and Non-Proliferation Act of 1993. This bill would strengthen and rejuvenate the Arms Control and Disarmament Agency by redirecting its energies to the arms control challenges of the future. It would build upon the Agency's solid core to recreate the Agency as the strong and forceful entity envisaged when ACDA was created in 1961 in the first year of the Kennedy administration.

In 1991, the Committee on Foreign Relations, concerned by the reduced stature and effectiveness of the Arms Control and Disarmament Agency, approved unanimously an amendment offered by Senator SIMON requiring a report by the State-ACDA inspector general, not later than December 15, 1992, with regard to the Agency's fulfillment of the primary functions specified in law. The amendment specified:

Such report shall address the current ability and performance of the Agency in carrying out these functions and shall provide detailed recommendations for any changes in executive branch organization and direction needed to fulfill these primary functions.

The inspector general, Sherman Funk, appointed a panel, led by Ambassador James F. Goodby, to prepare the report. After a wide-ranging and thorough effort, the report was submitted to President Bush and the requesting committees in December. The panel judged that two concepts are most likely to promote U.S. national interests and meet the challenges of our changed world: Either refocus and rejuvenate ACDA as a separate agency or fold it into the State Department.

The panel opted for a reshaped and rejuvenated ACDA. Mr. Funk wrote:

The review concluded that it remains important to the nation to have a specialized, technically competent, and independent arms control institution, and therefore recommends retaining a separate, but reorganized, refocused, and rejuvenated ACDA.

I reviewed Sherman Funk's excellent report with great care. At the same time, I weighed the judgments in a comprehensive report prepared independently by Henry L. Stimson Carter, as well as related studies by others.

It was clear from all of this assessment that ACDA could not go on as it was. It remained the only independent governmental agency in the world devoted to arms control and it retained a solid corps of professionals, but it was in sore need of nurturing. I concluded that we needed both to help it truly live up to its mandate and to give it new authorities so that it would not only have a seat at the arms control table, but a decisive voice at that table.

Accordingly, I directed the preparation of a draft bill that would strengthen the Agency and maintain its independence. I sent the bill to the National Security Council for review. At the same time, at my initiative, the committee staff was working with ACDA, State, and NSC officials to identify areas of agreement and to see whether common agreement on strengthening could be reached.

Many in the Department of State favored absorption of ACDA by State. Others preferred an independent role for ACDA. Those who favored absorption believe sincerely that there could be major cost savings. My own review indicated that the cost savings would only be realized by cutting people and activities. To realize the savings envisaged, experts would have had to be put out on the street and with them their expertise.

According to a study by Steven A. Hildreth for the Congressional Research Service:

A new analysis of State's proposal suggests the estimated annual cost savings in the near term may only be about $3 million or less. This figure could vanish although if the State Department created new positions to replace those assumed to be abolished by the proposed transfer. Abolishing ACDA, therefore, is not likely to save money without a substantial RIF or statutory enactment. None of these analyses included the additional costs of shutting down ACDA.

Moreover, according to the study:

The major current alternative to the State Department's proposal is to attempt to strengthen or revitalize ACDA. Most of the proposals for revitalizing ACDA do not cost money.

Mr. President, throughout this process of review and assessment, I worked closely with Secretary of State Christopher and the President's National Security Adviser, Anthony Lake. The President has also been involved.

I had a discussion regarding ACDA just before the Memorial Day weekend with Secretary Christopher. During that weekend, the Secretary made the courageous and farsighted decision that he favored a strong and real Agency and would so recommend to the President. At the same time, he expressed the deep belief that ACDA should remain part of the Department of State.

On the basis of this decision, I directed the preparation of this bill, which contains key portions of my original bill as well as suggestions by the executive branch. Since the Secretary's decision, we have been working to reach a meeting of the minds

with the executive branch. We have come a substantial distance. There remain several key areas of disagreement, but the administration is working to resolve as many differences as possible internally with an eye to reaching agreement with Congress. I anticipate that will be a productive process.

The bill has four principal components. First, it amends the Export Administration Act in order to give the Director the authority to stop, unless otherwise directed by the President, dual-use arms exports. This authority is conferred by means of requiring the Director's concurrence on such actions at the interagency level within the executive branch.

Second, the bill provides for similar authority to be given to the Director in the area of nonproliferation. Specifically, the Arms Export Control Act and the Atomic Energy Act are amended to ensure that decision relating to export licenses and programs relating to nuclear cooperation may not go forward if the ACDA Director does not concur, unless the President decides to the contrary.

Third, the bill establishes that ACDA, under the direction of the President, the Secretary of State, and the National Security Council, will be the central organization within the Government for the formulation and implementation of U.S. policy on arms control and nonproliferation. While ACDA will function within the interagency process, it thus will play a key role in arms control and nonproliferation by working directly with the President, the Secretary of State, and the NSC. Furthermore, the bill makes clear that ACDA will be the lead interagency unit responsible for coordinating and backstopping all U.S. negotiations relating to both arms control and nonproliferation. U.S. representatives conducting such negotiations will act through the Agency Director. Moreover, special representatives for arms control and nonproliferation, specifically created by the bill, will serve as the lead U.S. negotiators to international organizations relating to the field of nonproliferation, such as the International Atomic Energy Agency.

Finally, the bill represents a significant streamlining of ACDA's statutory reporting requirements. ACDA will have to provide only one annual report to Congress, which will be an amalgamation of the old ACDA annual report and the annual Pell compliance report. The new report would require a detailed statement of the preceding year's arms control and nonproliferation efforts of executive branch as well as an assessment for the forthcoming year. The report also would analyze U.S. adherence to arms control and nonproliferation agreements and the adherence of other parties to such agreements.

Mr. President, I want to underscore, once again, my belief that this bill sets the stage for legislation that will be satisfactory to both the Congress and the executive branch. In a letter to me on May 11, the President offered this assurance:

> Our key consideration will be how best to ensure that the Administration is most effectively organized to respond to the high priority that I place on arms control and nonproliferation.

I anticipate that we will be able to work together to good effect. I know there is a strong interest here on the Hill in a rejuvenated and effective arms control agency. I see that interest reflected in the executive branch and I am convinced that Secretary Christopher will do his best to assure a successful outcome.

Mr. SIMON. Mr. President, I am pleased to introduce this bill to revitalize the Arms Control and Disarmament Agency [ACDA] today with the distinguished chairman of the Foreign Relations Committee, Senator CLAIBORNE PELL. Our bill is the culmination of years of work on this subject, and we believe it will make ACDA a serious player in the national security bureaucracy.

The fact that no ACDA Director has been named to date tells me that the Agency needs a boost. Particularly now that nuclear nonproliferation and export controls have become front burner arms control issues, we need to have a strong leader at the helm, capable of challenging business as usual, directly advising the President on these critical problems.

For years there has been talk of folding the Agency into the State Department. In December 1991, I had an amendment adopted on the ACDA bill directing the State Department inspector general to report on ACDA and executive branch organization on arms control. The report was issued a year later, in December 1992, arguing that we ought to have a strong, independent agency. The study, overseen by Inspector General Sherman Funk and chaired by retired Ambassador James Goodby, made the following recommendation:

> A separate agency is the better solution in order to provide a continuing resource for technical analysis and support in the arms control field, to be an advocate for arms control solutions, to foster innovation, and to serve as a watchdog on issues of arms control implementation and nonproliferation * * * all these objectives can be achieved more efficiently and effectively by a separate, independent agency.

And that is what we should have: a strengthened, rejuvenated Agency as independent as we can make it.

I want ACDA to be a leading advocate for arms control, not arms proliferation. I want the ACDA Director to say "no" to exports that threaten our national security, but in order to do so he or she has to be at the table and have a veto on whether certain exports go forward. The simple facts are that through the years, in both Republican and Democratic administrations, the Commerce and State Departments too often have pushed questionable exports. That may be how they view their job, but I want an ACDA whose job it is to weigh in against questionable export licenses.

I want the ACDA Director to manage all arms control negotiations as well, not just those any given Secretary of State deems appropriate. I want ACDA to negotiate the nuts and bolts of nonproliferation treaties, recognizing that the State Department ought to negotiate political agreements or arrangements that bear on nonproliferation. and I want ACDA to be able to follow through on implementation of treaties.

The ACDA Director ought to be viewed in the same light as the Chairman of the Joint Chiefs of Staff. The job should be filled, in any administration, by someone who has a professional or political command of arms control and nonproliferation issues. The Director ought to be able to directly provide the President of the United States with arms control advice, and should be the principal adviser to the President on these issues. The Director ought to be at every National Security Council meeting bearing on arms control. We can't legislate this kind of access, but we can certainly lay a foundation to make the ACDA Director a more powerful force to be reckoned with in the councils of government.

By Mr. METZENBAUM (for himself, Mr. GLENN, Mr. LEVIN, Mr. KOHL, Mr. FEINGOLD, Ms. MOSELEY-BRAUN, Mr. SIMON, and Mr. RIEGLE):

S. 1183. A bill to amend the Federal Water Pollution Control Act to provide for confined soil disposal facilities, and for other purposes; to the Committee on Environment and Public Works.

GREAT LAKES CLEAN WATER AMENDMENTS ACT OF 1993

Mr. METZENBAUM. Mr. President, I am today introducing legislation on behalf of myself, Senator GLENN, Senator RIEGLE, Senator LEVIN, Senator KOHL, Senator FEINGOLD, Senator SIMON, Senator MOSELEY-BRAUN. This legislation will protect the largest supply of fresh water on Earth—the largest supply of fresh water on Earth: The five Great Lakes of the United States and Canada.

It is impossible to overstate the importance of the Great Lakes—their value as a source of fresh water, food, transportation, and recreation.

They are the highway of shipping and commerce in the Nation's most industrialized region, stretching from the iron mountains of Minnesota through the great manufacturing cities of Detroit, Chicago, Cleveland, and Buffalo.

They are an unparalleled fishing and recreational resource.

They are the primary source of drinking water for millions of Americans.

The unbelievable fact is they constitute over half of the fresh surface water on Earth.

Yet the shorelines, the tributaries, the open lakes themselves are in danger. They are endangered by industrial pollution, agricultural runoff, municipal sewage, even the oil and grease running off city streets.

Earlier this year, I introduced legislation to protect the water quality of the Great Lakes. Specifically, the bill would better manage the disposal of polluted lake sediments that must be dredged regularly from the rivers and harbors in order to maintain shipping.

Sometimes these sediments are so polluted they must be confined in disposal facilities. Sediments that are only mildly polluted are simply dumped in the lakes.

The threat to human health presented by polluted sediments—whether they are confined or dumped—is very real. Food chain poisoning, which begins with the fish, winds up on the dinner table.

According to a National Research Council report, neuromuscular impairment, small birth weight, and smaller head size in infants was pronounced in mothers who ate toxic laden Lake Michigan fish only twice a month. Pollution in the lakes is a bad situation getting worse.

This year, the Senate will consider reauthorization of the landmark Clean Water Act. I believe it is important that within the context of that debate, we pay special attention to the unique problems of the Great Lakes.

That is what this bill would do. The bill includes the sediment control provisions of the legislation I introduced earlier in the year. That legislation required that all of the existing—and any new—confined polluted sediment facilities have management plans that include provisions for reclaiming the land and monitoring it after the facility is closed. It given the Environmental Protection Agency a much larger role in deciding how these sediments will be managed and disposed—an area that heretofore has been almost exclusively within the jurisdiction of the U.S. Army Corps of Engineers.

It is a fact, Mr. President, that the corps' decisions on how best to manage and dispose of dredged materials are based on cost. That is not the only question. I know that to be the case because for years we had sediments dredged from Toledo Harbor—sediments that the Ohio Environmental Protection Agency says were polluted—but which the corps dumped into Lake Erie anyway because it was cheaper to dump than to dispose of the polluted sediments properly in confined facilities.

The bill we are introducing today also addresses the issue of sediment accumulation. It requires the Corps of Engineers to measure sediment loadings into the major tributaries of the lakes with a view toward undertaking projects designed to reduce sedimentation.

Third, the bill reauthorizes the Clean Water Act's contaminated sediments program. The provision will allow five full-scale technology cleanup demonstrations at toxic hot spots identified within the Great Lakes.

Mr. President, this is a good example of what Vice President GORE has been talking about when he says that concern for the environment can be good for business. This is a wide open area that is begging for some smart entrepreneur to come up with a few good ideas about how to go about cleaning up these sediments safely.

Fourth, the bill provides incentives to Great Lakes industries to install new pollution prevention technologies. It also gives towns and cities technical help in reducing the run-off from streets and parking lots that pollute the lakes.

Fifth, the bill coordinates and increases funding for the Great Lakes research efforts now carried out by several government agencies.

Sixth, the bill sets deadlines for EPA action on developing five lakewide plans that set out the long-term strategy for restoring, protecting, and maintaining high quality water.

Finally, the bill creates a revolving fund into which penalties from Great Lakes specific water quality violations will be deposited, thus creating a source of funding for Great Lakes water quality programs.

Mr. President, I believe this a solid and comprehensive bill. It goes to the source of the toxics polluting the lakes—it has cleanup, it has management—and it looks to the future.

In my lifetime—certainly in the lifetime of my grandchildren—I hope to see the lakes the way they were when the Europeans first came to this country—abundant with wildlife, teeming with fish safe to eat—pristine shorelines and beaches at which people can swim and enjoy the water.

That is why this bill is important.

I hope my colleagues will support it, and I will work to move this measure as a part of the broader effort to reauthorize the Clean Water Act.

Mr. FEINGOLD. Mr. President, this bill means a lot to me, as it does to everybody in my home State of Wisconsin. As a matter of fact, when the Senator from Ohio talks about children in future generations and the Great Lakes, I very personally relate to that. Next week, during the recess, I hope to spend 1 whole week on one of the Great Lakes on Madeline Island on Lake Superior. It is not only a beautiful site, but also a site of many family memories where we spend our family vacation every year.

That is what the Great Lakes are for so many people from not only Wisconsin and the Midwest, but the whole country. That is why this legislation is so terribly important, and I credit the Senator from Ohio for his leadership on it.

In particular, there are two items that I find extremely important and that I am interested in working on. One is the very strong provisions and help that this would give in terms of the sediment problem in the Great Lakes: Sediment management proposals, sediment reduction also the very important issue of sediment cleanup.

Recently in Green Bay, WI, I met with officials of the Department of Natural Resources who outlined for me very clearly the great problems with the sediment, but also what a reasonable amount of funding can do to actually clean up the mess and make those lakes for more available for human uses, and also for, of course, the animal life that lives in the waters.

The other piece that I think is extremely exciting is the commitment to further work in the area of pollution prevention, stopping the waste before it gets into the water, working voluntarily with incentives for business to try to prevent the pollution in the first place. That is easier than cleaning up the mess after the fact.

I would like to take a moment to talk about the specifics of the Great Lakes Clean Water Act amendments. They are a comprehensive effort to clean up our existing contamination, reduce the volume of runoff, and particularly to reduce our polluted runoff. We will test new sediment cleanup technologies, establish requirements for dredged sediment disposal, provide incentives to industry for pollution prevention, and provide a mechanism for enforcement penalties to be reinvested into cleanup areas.

As you know, Mr. President, the Great Lakes are one connected ecosystem. A single State, acting alone could not hope to solve its pollution problems because the sediments and contamination are continuously shifting. I am very happy, for this reason, to be a part of this cooperative effort for the entire Great Lakes region.

As it so happens, in the Wisconsin State Senate I was able to author Wisconsin's first law to seek very similar toxic waste management, to stop the pollution in the first place on a voluntary basis by combining some Government money, matching funds with those companies that were willing to do waste management audits within their companies.

In addition to providing 30 grants annually to industry for waste reduction audits, the measure also established an education and technical assistance program with the University of Wisconsin.

This has worked well in Wisconsin and this Great Lakes bill looks to me like a bill that will have very positive results on a national level to assist us in the Great Lakes area.

So I see these two things as extremely valuable. I again give great credit to the Senator from Ohio and the other Senators supporting this.

The last thing I would like to say is that I hold the seat in the U.S. Senate that used to be held by Senator Gaylord Nelson, the father of Earth Day, as we call him back home, and truly one of the greatest environmentalists to ever serve in this body. Given that fact alone, I felt I could do no less than to come out here and support this legislation and, again, credit the Senator from Ohio for his leadership and his great work in this area and all other areas. I am honored to work with him.

Mr. GLENN. Mr. President, I rise today in support of the Great Lakes Clean Water Act Amendments of 1993, of which I am an original cosponsor. As cochair of the Senate Great Lakes Task Force, I would like to acknowledge the efforts of my colleague, Senator METZENBAUM, in introducing this omnibus Great Lakes bill.

As members of the Great Lakes Senate delegation, we continually strive for better environmental protection for this huge and irreplaceable fresh water resource which we are so fortunate to have in our backyards. The lives of millions of Americans are interwoven with the Great Lakes which are a source of their drinking water, their livelihoods, their recreation, and their inspiration.

Yet, according to the EPA, fishing and swimming is not what it should be along a full 90 percent of the Great Lakes' U.S. shoreline. Picturesque harbors contain contaminated and harmful bottom sediments, and all of our Great Lakes States issue advisories to warn the public of potential health risks of eating too many of certain kinds of Great Lakes fish. This situation is unacceptable.

This year, we have special legislative opportunities to help the Great Lakes environment as Congress takes up the reauthorization of the Federal Clean Water Act. With 95 percent of the Nation's fresh surface water in our basin alone, we have a keen interest and a high stake in successful national and regional provisions of the clean water legislation.

Today, we are announcing the introduction of our omnibus Great Lakes Clean Water Amendments Act of 1993. This bill addresses several areas of programmatic need for the Great Lakes, including sediment management, clean up, pollution prevention and research coordination. The portions of the bill for which I am the author are the sediment reduction provision, the Pollution Prevention and Cities Program and the Great Lakes Research Council.

The Great Lakes sediment reduction provision applies the principles of pollution prevention to the sediment problem in the Great Lakes. Currently, excessive loads of sediment migrate to our Great Lakes harbors polluting them and creating high costs for removal and disposal—costs that no one wants to bear. An average of 5 million cubic yards of sediments must be dredged from Great Lakes harbors each year at an expense to the taxpayer of $33 million per year. About 50 percent of these dredge spoils are so contaminated that they are disposed of in special confined disposal facilities.

This sediment pollution of our harbors need not be a fact of life. The sediment originates upstream as runoff pollution, and to a large extent can be abated there as well. And prevention of sediment pollution in the Great Lakes will save money for all involved: The EPA; the ports and the Corps of Engineers, which are responsible for sediment removal; and even the upstream landowners who will benefit from keeping more of their soil on the land.

The sediment reduction provision of our omnibus bill will authorize and direct the U.S. Army Corps of Engineers to map out where this sediment originates on a river system-by-river-system basis, and authorizes the corps to provide technical and financial assistance for voluntary upstream best land management projects that will result in a cost savings in their dredging and disposal operations. I introduced this measure as a stand-alone last Congress, and look forward to enactment as part of the Clean Water Act this Congress.

My Pollution Prevention for Cities Program also builds our ability to stop pollution at the source. This measure will establish a technical assistance program within the EPA for municipalities within the Great Lakes basin to help them comply with new water quality rules in the most cost-effective way possible. The program is targeted at source reduction of toxic constituents in urban runoff, wastewater, and stormwater. The measure also authorizes the use of State revolving fund moneys for municipalities to implement EPA approved source reduction plans. Again, prevention is the most effective and least cost approach to pollution abatement, and cities should be provided with the assistance they need to stop pollution at its source.

The third measure of which I am the Senate author is the Great Lakes research coordination provision of the omnibus package. This provision will require that Federal agencies that conduct ecosystem research in the Great Lakes jointly develop priorities and a coordinated plan for addressing them. This measure will increase the efficiency with which we gather information so important to sound environmental protection.

I would like to conclude by stating my strong support for all aspects of the Great Lakes Clean Water Amendments Act; it is a solid, useful, and beneficial bill. I also would like to express my sincere thanks to Senator METZENBAUM for providing lead sponsorship to this measure, and guiding it through the Senate Environment and Public Works Committee.

By Mr. BROWN (for himself, Mr. GRASSLEY, and Mr. NICKLES):

S. 1184. A bill to limit the amount of indirect costs that may be incurred in conducting federally sponsored university research and developed to 50 percent of the modified total direct costs related to such research and development; to the Committee on Governmental Affairs.

FEDERALLY SPONSORED UNIVERSITY RESEARCH AND DEVELOPMENT ACT OF 1993

• Mr. BROWN. Mr. President, American colleges and universities provide essential research for the Federal Government and the public. However, for years the Government has received less research for its dollar. The culprit: rising overhead costs charged to Government. Overhead costs were limited to 20 percent of direct costs in the mid-1960's. When Congress eliminated the existing cap on these costs overhead costs skyrocketed. Overhead costs continued to rise steadily in the 1980's and now consume an average of 50 cents for every dollar spent on federally sponsored university research.

Academic institutions are fully reimbursed for the direct costs of performing research, including the salaries, materials, supplies, and services involved in the research performed. In addition, schools are allowed to charge the Government for costs such as facilities maintenance and renewal, research libraries, and salaries for administrative staff. These costs may benefit research but may not be related to one specific research project.

Schools should ensure that the overhead costs they charge to the Government are truly beneficial to the research project the Government is sponsoring. We have all heard about the General Accounting Office audits which found that some universities had charged the Government for overhead costs including things such as the depreciation of a school's yacht and the purchase of an antique fruitwood commode.

Of the $11 billion the Government will pay universities for federally sponsored research this year, nearly $3.7 billion will go to overhead costs. Because the overhead rate universities charge is not limited, some schools are allowed to add an extra 80 percent to the cost of performing research. And overhead rates are rising, not falling.

Unless caps are put into place, the Government will continue to pour money into reimbursing universities for overhead charges instead of funding actual research. Today I am introducing legislation to control the overhead

costs universities charge the taxpayers. This legislation will cap the rate schools can charge at 50 percent of the modified direct cost of the research. This cap will help control the upward climb of these costs by promoting efficiency and reducing the administrative burden of rate negotiations on both universities and the Government. The Congressional Budget Office estimates this proposal will save the taxpayers $1 billion over 5 years.

This legislation will encourage schools to control their costs of federally sponsored research so that only those expenses truly needed to support research are charged to the Government.•

By Mr. GLENN:

S. 1185. A bill to provide for a pollution prevention for cities program, and for other purposes; to the Committee on Environment and Public Works.

POLLUTION PREVENTION PROGRAMS ACT OF 1993

• Mr. GLENN. Mr. President, I introduce a bill which will provide much needed assistance to municipalities in their efforts to reduce pollution into the Great Lakes. The Great Lakes are a national treasure, fundamental to our region's prosperity. They support multibillion-dollar manufacturing and recreation industries, provide drinking water to millions, and surround the basin's residents with awesome natural beauty. We must continue to support efforts to restore and protect this critical resource, and these efforts must increasingly focus on pollution prevention to ensure the wisest possible use of scarce Federal resources.

Toxic pollution continues to enter the Great Lakes from urban areas, and as requirements on cities to reduce toxic loadings into the lakes become more stringent, we need to provide cities with assistance to address the complex problems of urban pollution. In addition to existing stormwater program requirements, within 5 years cities in the Great Lakes basin, like industry, will be expected to meet standards contained in the final Great Lakes water quality guidance. EPA's estimate that the guidance will cost the basin $240 million is based on the assumption that municipalities will install prevention measures to reduce toxicants in urban stormwater. Yet it is unlikely that most municipalities will know how to do this effectively.

My bill, the Pollution Prevention for Cities Act, addresses the need to employ pollution prevention in treating urban runoff, stormwater and wastewater discharges by establishing an EPA technical assistance program for cities. Municipalities within the Great Lakes basin may apply for technical assistance from EPA to implement source reduction of toxic pollutants. In addition, the bill authorizes the Administrator of EPA to devote State revolving fund moneys to the implementation of source reduction plans. To be eligible, municipalities must set pollution reduction goals and document stakeholder interest in implementing voluntary pollution reduction measures.

The EPA is currently implementing a demonstration project which provides assistance in northeast Illinois to address the problems of urban pollution. My bill would broaden this assistance program for municipalities throughout the Great Lakes basin. In this age of environmental protection, an ounce of prevention is truly worth a pound of cure, and my bill will provide the critical assistance cities need to prevent toxic pollution in urban areas and avoid greater costs in the future.

I request unanimous consent that the full text of my bill, the Pollution Prevention for Cities Act, be printed in the RECORD following my statement.

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

S. 1185

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

SECTION 1. POLLUTION PREVENTION FOR CITIES PROGRAM.

(a) IN GENERAL.—Section 118 of the Federal Water Pollution Control Act (33 U.S.C. 1268) is amended—

(1) by redesignating subsections (g) and (h) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (f) the following new subsection:

"(g) POLLUTION PREVENTION FOR CITIES PROGRAM.—

"(1) APPLICATION FOR TECHNICAL ASSISTANCE.—A municipality located within the Great Lakes basin boundaries may apply for technical and financial assistance from the Administrator to implement source reduction of toxic pollutants in urban runoff, wastewater, and stormwater.

"(2) ELIGIBILITY.—To be eligible for assistance under this subsection, a municipality shall apply to the Administrator with a statement—

"(A) stating pollutant reduction goals; and

"(B) documenting stakeholder interest in implementing voluntary pollutant reduction measures.

"(3) ASSISTANCE.—The Administrator shall, for each municipality with an approved application statement—

"(A) provide technical assistance in the development of a municipal source reduction action plan; and

"(B) authorize the expenditure of State revolving fund monies pursuant to section 602(a) for the implementation of an approved source reduction plan.".

(b) CONFORMING AMENDMENTS.—

(1) REVOLVING FUNDS.—Section 601(a) of the Federal Water Pollution Control Act (33 U.S.C. 1381(a)) is amended—

(A) by striking "and" at the end of paragraph (2); and

(B) by inserting before the period at the end the following: ", and (4) for implementing a source reduction action plan that has been approved by the Administrator pursuant to section 118(g)".

(2) PROJECTS ELIGIBLE FOR ASSISTANCE.—The first sentence of section 603(c) of such Act (33 U.S.C. 1383(c)) is amended—

(A) by striking "and" at the end of paragraph (2); and

(B) by inserting before the period at the end the following: ", and (4) for implementing a source reduction action plan that has been approved by the Administrator pursuant to section 118(g)".

By Mr. DORGAN:

S. 1187. A bill to establish a Civilian Facilities Closure and Realignment Commission to reduce unnecessary spending in the Federal Government by closing or realigning duplicative, wasteful, or otherwise unnecessary civilian facilities, and for other purposes; to the Committee on Governmental Affairs.

CIVILIAN FACILITIES CLOSURE AND REALIGNMENT ACT

• Mr. DORGAN. Mr. President, last week the Base Closure and Realignment Commission made its recommendations for closing and consolidating military bases. If the President approves the Commission's report, Congress will have an opportunity to vote on the recommendations—one vote on the entire package, without modifications or amendments.

Finally, we have a fair and effective way to downsize Government. The decisions of the Base Closure Commission weren't painless, and most of us probably take exception with one or two elements of the proposal. But the process has been fair and all of us will respect the Commission's recommendations.

Today I am introducing the Civilian Facilities Closure and Realignment Act of 1993, which builds on the Base Closure Commission model to downsize Government facilities in other Federal agencies. The legislation creates a Civilian Facilities Commission, which will review the recommendations of Federal agencies and prepare one package of recommendations for the President's review. If the President approves the report, Congress has the opportunity to vote up or down on the entire package. Congressman KASICH plans to introduce companion legislation in the House.

Several colleagues have introduced similar Commission bills providing for fast-track consideration of Commission recommendations for streamlining Government. My bill is different in at least three significant ways:

First, the bill addresses only Government facilities, rather than Federal programs and policies. This focused approach ensures fast-track consideration of the kinds of issues that most often meet political pork barrel barriers in Congress. However, the bill would not attempt to change the mission of an agency or develop policy without permitting direct Congressional input and modification.

Second, the bill gives administrative agencies the first shot at finding facilities that should be closed or realigned. Most of the other Commission bills rely on the Commission to come up with streamlining proposals. My proposal recognizes that agencies often

know where to cut, but are prevented from doing so by Congress or political pressures.

Third, it gives Federal agencies an incentive to find facilities to streamline or eliminate. Agencies would be permitted to keep 25 percent of the 3-year administrative savings achieved by closing or realigning a facility. The money could be used at its discretion for any projects designed to improve the agency's management, efficiency or productivity. Savings achieved by the sale of any assets would be dedicated to deficit reduction.

Mr. President, the Federal Government owns or leases more than 154,000 facilities worldwide. No one can tell me that we need every one of them.

Let me give you just one example: At least four Federal agencies currently have facilities doing research on catfish. I'm not saying catfish research isn't important or that any one of these facilities isn't pulling its weight. I'm only saying that, as we look toward downsizing Government and making it more efficient, we need to take a fair and objective look at how we can consolidate Federal facilities.

Now that the Defense Department has shown us it's possible, we need to take the next step in cutting the Federal deficit. I think the Civilian Facilities Closure and Realignment Act could take us closer to that goal.

Thank you, Mr. President. I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 1187

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 "Civilian Facilities Closure and Realignment Act of 1993".

SEC. 2. PURPOSE.

The purpose of this Act is to reduce unnecessary spending in the Federal Government by closing or realigning duplicative, wasteful, or otherwise unnecessary civilian facilities, including facilities that—

(1) have a cost to the Federal Government that is out of proportion to the benefits provided through the facility; or

(2) fail to further any legitimate goal or mission of the administering agency.

SEC. 3. THE CIVILIAN FACILITIES CLOSURE AND REALIGNMENT COMMISSION.

(a) ESTABLISHMENT.—There is established an independent commission to be known as the "Civilian Facilities Closure and Realignment Commission".

(b) DUTIES.—The Commission shall carry out the duties specified for it in this Act.

(c) APPOINTMENT.—(1)(A) The Commission shall be composed of seven members appointed by the President, by and with the advice and consent of the Senate.

(B) No later than January 1, 1994, the President shall submit to the Senate the nominations for appointment to the Commission.

(2) In selecting individuals for nominations for appointments to the Commission, the President should consult with—

(A) the Speaker of the House of Representatives concerning the appointment of one member;

(B) the majority leader of the Senate concerning the appointment of one member;

(C) the minority leader of the House of Representatives concerning the appointment of one member; and

(D) the minority leader of the Senate concerning the appointment of one member.

(3) At the time the President nominates individuals for appointment to the Commission, the President shall designate one such individual who shall serve as Chairman of the Commission.

(d) TERMS.—Each member of the Commission shall serve until December 31, 1995, and may only be removed by the President for cause.

(e) MEETINGS.—(1) Each meeting of the Commission, other than meetings in which classified information is to be discussed, shall be open to the public.

(2) All the proceedings, information, and deliberations of the Commission shall be open, upon request, to any Member or committee of the Congress.

(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)(A) Each member, other than the Chairman, 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) 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) The Commission shall, without regard to section 5311(b) of title 5, United States Code, appoint a Director who has not served as a Federal employee during the one-year period preceding the date of such appointment.

(2) 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) Subject to paragraphs (2) and (3), the Director, with the approval of the Commission, may appoint and fix the pay of additional personnel.

(2) 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 the maximum annual rate of basic pay payable for a position above GS-15 of the General Schedule.

(3) 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) The Comptroller General of the United States shall provide assistance, including the detailing of employees, to the Commission in accordance with an agreement entered into with the Commission.

(j) CONSULTANTS AND PROPERTY.—(1) 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) 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) TERMINATION.—The Commission shall terminate on December 31, 1995.

SEC. 4. RECOMMENDATIONS AND REPORT FOR CIVILIAN FACILITY CLOSURES AND REALIGNMENTS.

(a) AGENCY RECOMMENDATIONS.—(1) No later than June 1, 1994, each head of an executive agency as defined under section 105 of title 5, United States Code (except for the Secretary of Defense with regard to the Department of Defense) shall submit to the Commission recommendations for closing or realigning civilian facilities administered by such agency. The recommendations shall include a statement providing rationale for the recommended closure or realignment.

(2) The Office of Management and Budget shall submit to the Commission with each recommendation submitted under paragraph (1), an estimate of the administrative costs and savings that would result from the implementation of such recommendation for the 5 fiscal years following such implementation.

(b) REVIEW AND RECOMMENDATIONS BY THE COMMISSION.—(1) After receiving the recommendations from the heads of executive agencies under subsection (a), the Commission shall conduct public hearings on the recommendations. Such hearings shall be conducted in Washington, D.C. and in affected regions throughout the United States.

(2)(A) No later than June 1, 1995, the Commission shall submit to the President a report containing—

(i) the Commission's findings and conclusions based on a review and analysis of the recommendations made by the heads of executive agencies and from public hearings;

(ii) the Commission's recommendations for closures and realignments of Federal facilities; and

(iii) proposed legislation (containing specific language proposed to be enacted) to implement the Commission's recommendations.

(B) Subject to subparagraph (C), in making its recommendations, the Commission may make changes in any of the recommendations made by the heads of executive agencies.

(C) In the case of a change described in subparagraph (D) in the recommendations made by the heads of executive agencies, the Commission may make the change only if the Commission—

(i) publishes a notice of the proposed change in the Federal Register not less than 30 days before submitting its recommendations to the President under subparagraph (A); and

(ii) conduct a public hearing on the proposed change.

(D) Subparagraph (C) shall apply to a change by the Commission in the heads of executive agencies' recommendations that would—

(i) add a facility to the list of facilities recommended by the applicable head of an executive agency for closure;

(ii) add a facility to the list of facilities recommended by the applicable head of an executive agency for realignment; or

(iii) increase the extent of a realignment of a particular facility recommended by the applicable head of an executive agency.

(3) The Commission shall explain and justify in its report submitted to the President under paragraph (2) any recommendation made by the Commission that is different from the recommendations made by the heads of the executive agencies under subsection (a). The Commission shall submit a copy of such report to the Congress on the same date on which it submits its recommendations to the President under paragraph (2).

(4) After the Commission submits recommendations to the President under this subsection, the Commission shall promptly provide, upon request, to any Member or committee of Congress information used by the Commission in making its recommendations.

(5) The Comptroller General of the United States shall—

(A) assist the Commission, to the extent requested, in the Commission's review and analysis of the recommendations made by the heads of the executive agencies under subsection (c); and

(B) submit to the Congress and to the Commission a report containing a detailed analysis of the heads of executive agencies' recommendations and selection process, including an assessment of whether such recommendations comply with the purposes of this Act.

(c) REVIEW BY THE PRESIDENT.—(1) No later than September 1, 1995, the President shall approve or disapprove the report submitted under subsection (b)(2)(A).

(2) If the report is approved the President shall submit the report to the Congress for legislative action under section 5.

(3) If the President disapproves the 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) The Commission shall consider any issues or objections raised by the President and may modify the report based on such issues and objections. No later than 30 days after receipt of the President's disapproval under paragraph (3), the Commission shall submit the final report (as modified if modified) to the Congress for legislative action under section 5.

SEC. 5. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT.

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

(1) the term "implementation bill" means only a bill which is introduced as provided under subsection (b), and contains the proposed legislation contained in the final report submitted to the Congress under section 4(c) (2) or (4) without modification; and

(2) the term "session day" means a day that both the Senate and the House of Representatives are in session.

(b) INTRODUCTION AND REFERRAL.—(1) On the first session day on or immediately following the date on which a final report is submitted to the Congress under section 4(c) (2) or (4), an implementation bill shall be introduced—

(A) in the Senate by the Majority Leader of the Senate, for himself, the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate; and

(B) in the House of Representatives by the Majority Leader of the House of Representatives, for himself and the Minority Leader of the House of Representatives, or by Members of the House of Representatives designated by the Majority Leader and Minority Leader of the House of Representatives.

(2) The implementation bill introduced in the Senate shall be referred concurrently to the Committee on Governmental Affairs of the Senate, and other committees with jurisdiction. The implementation bill introduced in the House of Representatives shall be referred concurrently to the Committee on Government Operations of the House of Representatives, and other committees with jurisdiction.

(c) DISCHARGE.—If the committee to which an implementation bill is referred has not reported such bill by the end of the 15 session day period beginning on the date of introduction of such bill, such committee shall be, at the end of such period, discharged from further consideration of such bill, and such bill shall be placed on the appropriate calendar of the House involved.

(d) CONSIDERATION.—(1) On or after the fifth session day after the date on which the committee to which such a bill is referred has reported, or has been discharged (under subsection (c)) from further consideration of, such a bill, 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 implementation bill (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 implementation bill (and against consideration of the implementation bill) 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 implementation bill is agreed to, the respective House shall immediately proceed to consideration of the implementation bill without intervening motion, order, or other business, and the implementation bill shall remain the unfinished business of the respective House until disposed of.

(2) Debate on the implementation bill, 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 implementation bill 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 implementation bill is not in order. A motion to reconsider the vote by which the implementation bill is agreed to or disagreed to is not in order.

(3) Immediately following the conclusion of the debate on an implementation bill 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 implementation bill shall occur.

(4) 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 an implementation bill shall be decided without debate.

(e) CONSIDERATION BY OTHER HOUSE.—(1) If, before the passage by one House of an implementation bill of that House described in subsection (a), that House receives from the other House an implementation bill described in subsection (a), then the following procedures shall apply:

(A) The implementation bill 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 an implementation bill described in subsection (a) of the House receiving such bill—

(i) the procedure in that House shall be the same as if no implementation bill had been received from the other House; but

(ii) the vote on final passage shall be on the implementation bill of the other House, except that if the implementation bill is a bill for the raising of revenue, the vote of final passage shall be upon the implementation bill which originates in the House of Representatives.

(2) Upon disposition of the implementation bill received from the other House, it shall no longer be in order to consider the implementation bill 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 an implementation bill 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. DISTRIBUTION OF ASSETS.

Any proceeds from the sale of assets of any department or agency resulting from the enactment of an Act under section 5 shall be—

(1) applied to reduce the Federal deficit; and

(2) deposited in the Treasury and treated as general receipts.

SEC. 7. ADDITIONAL APPROPRIATIONS BASED ON AGENCY SAVINGS.

It is the sense of the Congress that—

(1) in the fiscal year immediately following a recommendation submitted under section 4(a)(1) there should be appropriated to each agency an amount no less than 25 percent of the amount of the estimate of administrative savings determined under section 4(a)(2) applicable to such agency in the 3 fiscal years following the submission of the recommendation; and

(2) the appropriated amount described under paragraph (1) should be—

(A) appropriated funds in addition to funds which would otherwise be appropriated to such agency if not for the provisions of this Act; and

(B) made available for expenditure at the discretion of the head of such agency to improve such agency's management, efficiency, or productivity.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out the provisions of this Act.•

By Mr. COVERDELL (for himself, Mr. FAIRCLOTH, Mr. KEMPTHORNE, and Mr. GREGG):

S. 1188. A bill to provide that Federal regulatory mandates shall not be enforced unless the cost to the States of implementing them are funded by the Federal Government; to the Committee on Governmental Affairs.

FEDERAL MANDATE RELIEF ACT OF 1993

• Mr. COVERDELL. Mr. President, today, I rise to introduce the Federal Mandate Relief Act of 1993. The bill states that passage or implementation of a Federal regulation without appropriate funding to cover its cost will require a two-thirds majority vote.

Its aim is to stop Congress from spending local property taxes to pay for expensive Federal regulations the Federal Government won't pay for itself.

Congress and the Federal Government have spent every dime they have—and $4 trillion they don't have—to carry out their unending desire to spend, spend and spend. Now Congress has turned to local communities and has begun a full scale raid on property taxes in their hunt for more dollars. This undisciplined appetite for spending has to stop if we are to get our financial house in order. This bill is a start.

If Congress believes there is a compelling reason for passage of an unfunded Federal mandate, then let us pass it by a compelling majority. The Senate, a body that prides itself on the opportunity for debate and open discussion of issues, requires a compelling majority to bring cloture on debate. We must adopt a similar disciplined approach to our spending habits.

The Federal Mandate Relief Act—along with a balanced budget amendment and the line-item veto—will be an important new rule of the road in our efforts to bring discipline to the Federal Government's spending habits.

Property owners throughout the country probably don't realize it but the Federal Government currently consumes between 5 and 10 percent of local property taxes to pay for these mandates. As new mandates are enacted, that percentage could rise, meaning local communities will be forced to raise property taxes to pay for this Federal raid on their finances.

Ask any mayor, county commissioner, or local administrator what the No. 1 fiscal problem is that thy are facing and they will tell you it is the crushing weight of Federal mandates on their budgets. It means higher taxes.•

ADDITIONAL COSPONSORS

S. 27

At the request of Mr. SARBANES, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 27, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 46

At the request of Mr. THURMOND, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 46, a bill to provide that a justice or judge convicted of a felony shall be suspended from office without pay.

S. 187

At the request of Mr. BURNS, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 187, a bill to protect individuals engaged in lawful hunt on Federal lands, to establish an administrative civil penalty for persons who intentionally obstruct, impede, or interfere with the conduct of a lawful hunt, and for other purposes.

S. 253

At the request of Mr. CRAIG, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 253, a bill to authorize the garnishment of Federal employees' pay, and for other purposes.

S. 265

At the request of Mr. SHELBY, the names of the Senator from Virginia [Mr. ROBB], the Senator from Georgia [Mr. COVERDELL], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 265, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

S. 324

At the request of Mr. BAUCUS, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 324, a bill to improve monitoring of the domestic uses made of certain foreign grain after importation, to use the export enhancement program to promote the export of wheat to Mexico, and for other purposes.

S. 469

At the request of Mr. WARNER, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Rhode Island [Mr. PELL], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Florida [Mr. MACK], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Dakota [Mr. CONRAD], the Senator from Georgia [Mr. NUNN], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Alabama [Mr. HEFLIN], the Senator from Connecticut [Mr. DODD], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of S. 469, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Vietnam Women's Memorial.

S. 483

At the request of Mr. SHELBY, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Indiana [Mr. LUGAR], the Senator from Florida [Mr. GRAHAM], the Senator from Connecticut [Mr. DODD], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 483, a bill to provide for the minting of coins in commemoration of Americans who have been prisoners of war, and for other purposes.

S. 505

At the request of Mr. MCCONNELL, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 505, a bill to amend the Food Stamp Act of 1977 to identify and curtail fraud in the food stamp program, and for other purposes.

S. 561

At the request of Mr. DODD, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 561, a bill to establish a child and family services and law enforcement partnership program, and for other purposes.

S. 687

At the request of Mr. HATFIELD, his name was added as a cosponsor of S. 687, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 994

At the request of Mr. PRYOR, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 994, a bill to authorize the establishment of a fresh cut flowers and fresh cut greens promotion and consumer information program for the benefit of the floricultural industry and other persons, and for other purposes.

S. 1003

At the request of Mr. MOYNIHAN, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 1003, a bill to provide authority for the President to enter into trade agreements to conclude the Uruguay Round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade, to extend tariff proclamation authority to carry out such agreements, and to apply Congressional "fast track" procedures to a bill implementing such agreements.

S. 1015

At the request of Mr. DORGAN, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 1015, a bill to establish a 2-year moratorium on construction and leasing of space by the Federal Government, and for other purposes.

S. 1026

At the request of Mr. LOTT, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1026, a bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of members of the National Guard or reserve units of the Armed Forces will be allowable in computing adjusted gross income.

S. 1082

At the request of Mr. COCHRAN, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 1082, a bill to amend the Public Health Service Act to revise and extend the program of making grants to the States for the operation of offices of rural health, and for other purposes.

S. 1116

At the request of Mr. BURNS, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1116, a bill to amend the Internal Revenue Code of 1986 to clarify the deduction for expenses of certain home offices, and for other purposes.

S. 1118

At the request of Mr. HATFIELD, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1118, a bill to establish an additional National Education Goal relating to parental participation in both the formal and informal education of their children, and for other purposes.

S. 1125

At the request of Mr. DODD, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1125, a bill to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

S. 1145

At the request of Mr. JEFFORDS, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1145, a bill to prohibit the use of outer space for advertising purposes.

S. 1147

At the request of Mr. KEMPTHORNE, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 1147, a bill to prohibit Presidential nominees from performing certain governmental functions, and for other purposes.

S. 1151

At the request of Mr. DOLE, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Iowa [Mr. GRASSLEY], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of S. 1151, a bill to facilitate the flow of credit to small business by easing certain regulatory burdens on depository institutions, to require analysis of such burdens and their effectiveness, and for other purposes.

S. 1172

At the request of Mr. MCCAIN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 1172, a bill to amend the National Defense Authorization Act for Fiscal Year 1993, to impose sanctions on certain transfers of equipment and technology used in the manufacture or delivery of weapons of mass destruction and to impose additional sanctions for violations of that Act.

SENATE JOINT RESOLUTION 34

At the request of Mr. BROWN, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 34, a joint resolution proposing a constitutional amendment to limit congressional terms.

SENATE JOINT RESOLUTION 50

At the request of Mr. SPECTER, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Nevada [Mr. REID], the Senator from South Carolina [Mr. THURMOND], the Senator from Rhode Island [Mr. PELL], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from California [Mrs. BOXER] were added as cosponsors of Senate Joint Resolution 50, a joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week".

SENATE JOINT RESOLUTION 86

At the request of Mr. SIMON, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of Senate Joint Resolution 86, a joint resolution commemorating the 50th anniversary of the founding of the Food and Agriculture Organization of the United Nations and reaffirming the United States commitment to end hunger and malnutrition.

SENATE JOINT RESOLUTION 89

At the request of Mr. SIMON, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of Senate Joint Resolution 89, a bill to designate October 1993, as "Polish-American Heritage Month."

SENATE JOINT RESOLUTION 91

At the request of Mr. SPECTER, the names of the Senator from Ohio [Mr. METZENBAUM], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 91, a joint resolution designating October 1993 and October 1994 as "National Domestic Violence Awareness Month."

SENATE JOINT RESOLUTION 99

At the request of Mr. DECONCINI, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Nebraska [Mr. EXON], the Senator from North Dakota [Mr. CONRAD], the Senator from Idaho [Mr. CRAIG], and the Senator from Washington [Mr. GORTON] were added as cosponsors of Senate Joint Resolution 99, a joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 106

At the request of Mr. LAUTENBERG, the names of the Senator from Utah [Mr. HATCH], the Senator from Missouri [Mr. BOND], the Senator from Colorado [Mr. BROWN], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Dakota [Mr. CONRAD], the Senator from New York [Mr. D'AMATO], the Senator from Wisconsin [Mr. KOHL], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 106, a joint resolution designating July 2, 1993 and July 2, 1994 as "National Literacy Day."

SENATE CONCURRENT RESOLUTION 26

At the request of Mr. SIMON, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of Senate Concurrent Resolution 26, a concurrent resolution urging the President to redirect U.S. foreign assistance policies and spending priorities toward promoting sustainable development, which reduces global hunger and poverty, protects the environment, and promotes democracy.

SENATE CONCURRENT RESOLUTION 27

At the request of Mr. LEAHY, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from New Jersey [Mr. BRADLEY], the Senator from Wisconsin [Mr. KOHL], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of Senate Concurrent Resolution 27, a bill to express the sense of Congress that funding should be provided to begin a phase-in toward full funding of the special supplemental food program for women, infants, and children [WIC] and of Head Start programs and to expand the Job Corps program, and for other purposes.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. MOYNIHAN, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution congratulating the Anti-Defamation League on the celebration of its 80th anniversary.

SENATE CONCURRENT RESOLUTION 31

At the request of Mr. DODD, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Concurrent Resolution 31, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

SENATE RESOLUTION 94

At the request of Mr. SIMON, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of Senate Resolution 94, a resolution expressing the Sense of the Senate with respect to the tragic humanitarian crisis in Sudan.

SENATE RESOLUTION 124

At the request of Mr. BRADLEY, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of Senate Resolution 124, a resolution expressing the sense of the Senate that the Olympic Summer Games in the year 2000 should not be held in Beijing or elsewhere in the People's Republic of China.

SENATE RESOLUTION 126—RELATIVE TO TRADE LIBERATION PRIORITIES UNDER "SUPER 301"

Mr. MOYNIHAN (for himself, Mr. BAUCUS, Mr. DANFORTH, Mr. HOLLINGS, Mr. RIEGLE, Mr. DASCHLE, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. KERRY, Mr. BYRD, Mr. ROCKEFELLER, Mr. KENNEDY, and Mr. LEVIN) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 126

Whereas foreign barriers to United States exports have contributed to the Nation's trade deficits, and are threatening the loss of manufacturing jobs, the erosion of our tax base, the decline in the strength of the United States economy and of the American standard of living, and the vitality of the technological, industrial, and agricultural base of the United States; and

Whereas the President should have the appropriate tools for combating unfair and predatory trade practices that threaten American manufacturing and service industries and agriculture: Now, therefore, be it

Resolved, That it is the sense of the Senate that not later than December 15, 1993, amendments to section 310 of the Trade Act of 1974 (19 U.S.C. 2420) should be enacted to establish the permanent requirement that not later than April 30th of each year the United States Trade Representative shall identify trade liberalization priorities under "Super 301".

SENATE RESOLUTION 127—RELATIVE TO TRIBUTES TO PATRICIA RYAN NIXON

Mr. COCHRAN (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 127

Resolved, That there shall be printed as a Senate document a collection of statements made in tribute to the late First Lady of the United States, Patricia Ryan Nixon, together with appropriate illustrations and other materials relating to her death.

AMENDMENTS SUBMITTED

ARMORED CAR INDUSTRY RECIPROCITY ACT OF 1993

EXON AMENDMENT NO. 562

Mr. FORD (for Mr. EXON) proposed an amendment to the bill (S. 608) to entitle certain armored car crew members to lawfully carry a weapon in any State while protecting the security of valuable goods in interstate commerce in the service of an armored car company; as follows:

On page 4, after line 25, insert the following new paragraph:

(3) The term "State" means any State of the United States or the District of Columbia.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, June 30, 1993, at 2 p.m. to consider the following nominations: Ambassador Charles W. Freeman, Jr., to be Assistant Secretary of Defense for Regional Security Affairs; Hon. Edwin Dorn to be Assistant Secretary of Defense for Personnel and Readiness; and other civilian and military nominations that may be ready for consideration.

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

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 on June 30, 1993, at 9:30 a.m. on reauthorization of the Magnuson Fishery Conservation and Management Act.

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 for a hearing on the Disadvantaged Minority Health Improvement Act: Meeting the Health Needs of the Disadvantaged, during the session of the Senate on Wednesday, June 30, 1993, at 10:00 a.m.

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

SUBCOMMITTEE ON INVESTIGATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the State on Wednesday, June 30, 1993, to hold a hearing on Oversight of the Insurance Industry: Blue Cross/Blue Shield-Empire Plan (New York).

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

SUBCOMMITTEE ON FORCE REQUIREMENTS AND PERSONNEL

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Force Requirements and Personnel of the Committee on Armed Services be authorized to meet on Wednesday, June 30, 1993, at 9:00 a.m., in open session, to receive testimony on the health care programs of the military services in review of the defense authorization request for fiscal year 1994 and the future years defense program.

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

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR REGULATION

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Regulation, Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, June 30, beginning at 9:30 a.m., to conduct a hearing on the Nuclear Regulatory Commission's proposed authorization bill for fiscal years 1994 and 1995 and associated legislative proposals.

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

ADDITIONAL STATEMENTS

STATEMENT OF FINANCIAL CONDITION

• Mr. DECONCINI. Mr. President, today, I ask unanimous consent that my financial report appear in the CONGRESSIONAL RECORD.

Under the rules of the Senate, it is the obligation of Senators to classify their income and property within certain broad income categories. For the most part, Senators do so with the utmost caution and are careful to include all properties in which they have any ownership, beneficial or otherwise.

It has been my practice since coming to the Senate in 1977 to go well beyond Senate requirements and to have a financial statement prepared by an accounting firm showing the worth of total assets, total liabilities, and the net worth of both my wife and me. I have always made my financial statements available in this manner. This is in addition to all the requirements and fillings set forth by Senate rules and laws regarding disclosure.

I have elected to do this because I believe close scrutiny should follow public officials. The public must be assured that an official whose assets and wealth increase during public office is fully accountable. Public officials must meet the highest standards.

I urge all Members of the Senate to continue to make full public disclosure of their assets and income. This is not a pleasant experience for any of us, but it will help build the sense that elected public officials are credible and honest.

The report follows:

TUCSON, AZ,
June 15, 1993.

DENNIS AND SUSAN DECONCINI,
Washington, DC.

We have reviewed the accompanying statement of financial condition of Dennis and Susan DeConcini as of December 31, 1992, in accordance with standards established by the American Institute of Certified Public Accountants. All information included in this financial statement is the representation of Dennis and Susan DeConcini.

A review of personal financial statements consists principally of inquiries of the individuals whose financial statements are presented and analytical procedures applied to financial data. It is substantially less in scope than an examination in accordance with generally accepted auditing standards, the objective of which is the expression of an opinion regarding the financial statements taken as a whole. Accordingly, we do not express such an opinion.

Based on our review, we are not aware of any material modifications that should be made to the accompanying statement of financial condition in order for it to be in conformity with generally accepted accounting principles.

The historical cost/basis information in the accompanying statement of financial condition is presented only for supplementary analysis purposes and has been subjected to the inquiry and analytical procedures applied in the review of the basic financial statement. We did not become aware of any material modification that should be made to the supplementary information.

TIZZARD, KNUTTINEN,
DONNELLY & WRIGHT,
Public accountants.

DENNIS AND SUSAN DeCONCINI—STATEMENT OF FINANCIAL CONDITION, DEC. 31, 1992

	Estimated current value	Historical cost/basis
Assets:		
Cash, checking and savings accounts	$272,483	$272,483
Certificates of deposit	400,134	400,134
Prepaid income tax	5,103	5,103
Miscellaneous receivables and impounds arising from rental properties	15,187	15,187
Notes receivable (Note 2)	198,124	160,226
Investments:		
Marketable securities (Note 3)	91,198	46,977
Real estate (Note 4)	4,626,430	1,271,985
Monterey Water Company (Note 5)	92,105	3,000
Partnerships, closely held (Note 6)	5,602,298	(33,736)
Partnerships, not closely held (Note 7)	290,640	126,594
Annuity	52,985	22,573
Vested interest retirement plans:		
Individual retirement accounts	69,370	
Civil service retirement fund	66,631	
Thrift savings retirement plan	21,499	
Cash value of life insurance (Note 8)	146,963	109,747
Residence (Note 9)	470,000	200,002
Personal property (Note 9)	170,000	72,500
	12,591,150	2,672,775
Liabilities:		
Miscellaneous payables primarily arising from rental properties	22,524	22,524
Deferred gain (Note 2)	126,927	126,927
Personal loans (Note 10)	50,478	50,478
Mortgages:		
Wraparound mortgage (Note 2)	33,226	33,226
Real estate investments (Note 4)	539,989	539,989
Residence (Note 9)	87,394	87,394
	860,538	860,538
Income taxes:		
Estimated on the difference between the estimated current values of the assets and the estimated current amounts of liabilities and their tax bases. (Note 11)	3,512,561	
Net worth	8,218,051	1,812,237
Total	12,591,150	2,672,775

NOTE 1—BASIS OF ACCOUNTING

The accompanying financial statement includes the assets and liabilities of Dennis and Susan DeConcini. Assets are stated at their estimated current values and liabilities at their estimated current amounts.

NOTE 2—NOTES RECEIVABLE

	Receivable	Mortgage	Deferred gain
In 1985 a residence on Crystal Drive, San Diego, CA was sold to a related party with the note receivable being "wrapped around" the underlying mortgage for the same terms and amount. The monthly receivable/payable is $589 per month including interest at 11 percent	$33,226	$33,226	
In 1989 vacant land on South 6th Avenue, Tucson, AZ was sold to a related party. The note receivable is interest only at 9 percent, with a balloon payment July, 1994	164,898		$126,927
Total	198,124	33,226	126,927

NOTE 3—MARKETABLE SECURITIES

The estimated current values of marketable securities are either (a) their quoted closing prices or (b) for securities not traded on the financial statement date, amounts that fall within the range of quoted bid and asked prices. Marketable securities consist of the following:

	Number of shares or bonds	Estimated current values
Stocks		
First National Corp	2,108	$2,240
Lasertechnics, Inc	1,000	1,812
National Education Corp	50	338
Pacific Telesis	200	8,925
Southern Arizona Bancorp of Yuma, Inc	3,150	25,795
The Price Co	200	7,250
Valley National Corp	700	43,838
Bonds: State of Israel	1	1,000
Total marketable securities		91,198

NOTE 4—REAL ESTATE

The estimated current values were determined by use of assessed value for property taxes, inquiries of realtors familiar with similar properties in similar areas, acquisition price of recently acquired properties and appraisals of some properties. Ownership is 100 percent unless otherwise noted:

Property description	Estimated current value	Mortgage balance	Mortgage Terms: Monthly payment including interest	Mortgage Terms: Interest rate (percent)	Mortgage Terms: Maturity
Joint interests:					
Avra Valley/Pioneer Trust, Unimproved land, Pima County, AZ (3.125 percent interest)	$5,630				
Grant/Oracle Circle K, Ground lease, Pima County, AZ (10.89 percent interest)	64,250				
St. Mary's & Silverbell Road, Ground lease, Pima County, AZ (66.67 percent interest)	200,000				
1122 S. 6th, vacant land (formerly Victory Outreach) Tucson, AZ	25,000				
Rancho Sin Vaca, Lot 64, vacant land, Tucson, AZ	86,000	$26,000	[1]	10	1995
12th & Ajo, Nat'l City Annex, Lot 23, Block A (behind Circle K) vacant land, Pima County, AZ	13,200				
Commercial Properties:					
Action Suds & Ajo Bikes, 3812/3816 S. 12th, Tucson, AZ	200,000				
Drachman Building, 2345 E. Broadway, Tucson, AZ	150,000				
L & L Furniture, 1140–1150 S. 6th, 1133–1135 S. Russell, Tucson, AZ	112,000				
Oriental Express, 615 S. Ajo, Tucson, AZ	100,000				
Pizza Hut 12th & Ajo, 605 W. Ajo, Tucson, AZ	162,850				
39 cent Hamburger, 625 W. Ajo, Tucson, AZ	125,000				
Residential Properties:					
381 Cedar Lane, Sedona, AZ	625,000	331,153 53,000	$3,602 LOC	10.25 8.0	2018 1993
House:					
Alta & San Carlos Street, Carmel By The Sea, CA	500,000				
5686 Dolphin Street, La Jolla, CA	850,000				
1901 N. George Mason Drive, Arlington, VA	175,000	98,757	934	10.5	2117
Salem Court Apartments, 705 Salem Court, Mission Beach, CA	900,000				
Sunset Cliff Apartments, 1961 Sunset Cliff, Ocean Beach, CA	332,500	31,079	554	9	1994
Total	4,626,430	539,989			

[1] Annual payment $8,000 plus interest.

NOTE 5—MONTEREY WATER CO.

30 shares of a total of 430 shares outstanding (7 percent) were owned as of December 31, 1992. The Company primarily holds real estate investments. The estimated current value is based upon prior years appraisal as adjusted due to inquiries of realtors familiar with similar properties in similar areas. Net income of the Company for 1992 was a loss of (60,554). The unaudited balance sheet of Monterey Water Co. at December 31, 1992 is prepared on the accrual basis and is summarized below:

Cash	$56,394
Notes receivable	212,196
Investment, partnership	411,824
Depreciable property	122,777
Accumulated depreciation	(19,580)
Land	608,749
Other assets	16,310
Total assets	1,408,670
Other current liabilities	359,396
Stockholder loans	324,808
Notes payable	271,840
Other liabilities	95,163
Capital stock	41,300
Capital in excess of par	10,750
Retained earnings	305,143
Total liabilities and equity	1,408,670

NOTE 6—PARTNERSHIPS, CLOSELY HELD

Interests in the listed partnerships are as a general partner. Partnership activities are primarily in the area of real estate. The estimated current value of the partnerships is primarily based upon the value of the land they own as determined by assessed value for property taxes, or inquiries of realtors familiar with similar properties in similar areas,

or acquisition price of recently acquired properties and appraisals of some properties. Following are the unaudited condensed historical cost balance sheets and the net income or (loss) for the year ended December 31, 1992 for each partnership. The income tax method of accounting is used by the partnerships.

	2–D properties	3–D properties	4–D properties	Total
Cash	$1,999	$41,438	$86,761	$130,198
Receivables/loans	72,272	138	156,710	229,120
Other current assets	.....	192,400	218,914	411,314
Investments	.....	125,683	4,144,556	4,270,239
Depreciable property	41,524	2,104,527	7,695,966	9,842,017
Accumulated depreciation	(19,607)	(922,861)	(3,017,116)	(3,959,584)
Land	21,726	167,999	9,608,176	9,797,901
Intangibles	.....	52,505	244,813	297,318
Accumulated amortization	.....	(19,235)	(95,831)	(115,066)
Other assets	.....	9,522	3,298	12,820
Total assets	117,914	1,752,116	19,046,247	20,916,277
Other current liabilities	133	17,334	330,797	348,264
Loans	70	1,062,377	9,399,801	10,462,248
Deferred gains	71,992	.....	41,927	113,919
Other liabilities	.....	.....	60,094	60,094
Capital	45,719	672,405	9,213,628	9,931,752
Total liabilities and equity	117,914	1,752,116	19,046,247	20,916,277
Net income (loss) for the year ended Dec. 31, 1992	37,747	63,060	(935,028)	(834,221)
Percent ownership of income	50	33	18	NA
Estimated current value of partnership interests	161,038	608,585	4,832,675	5,602,298

NOTE 7—PARTNERSHIPS AND S CORPORATIONS, NOT CLOSELY HELD

Pinnacle Peak North Investors—2 percent interest in a real estate general partnership. Estimated current value was based upon the estimated value of the undeveloped land	$183,600
Tonopah Partners I General Partnership—16.67 percent ownership in a real estate general partnership. Estimated current value was based upon estimated value of the undeveloped land	82,300
Tonopah Partners II General Partnership—same as Tonopah I	12,090
W.M. Investments Partnership—13.33 percent ownership in a real estate general partnership. Estimated current value was based upon the estimated value of the apartment and commercial buildings owned by the partnership	12,650
Total	290,640

NOTE 8—LIFE INSURANCE

The face value of fourteen whole life policies is $1,020,683. These policies have a cash surrender value of $146,963.

NOTE 9—RESIDENCE/PERSONAL PROPERTY

The estimated current value was determined by the good faith estimates of Dennis and Susan DeConcini. The residence mortgage is payable in monthly installments of $906 including interest at 8.5 percent through 2006:

NOTE 10—PERSONAL LOANS

Demand note from family members, unsecured, interest at 10 percent	$28,266
Demand note from closely held partnerships, unsecured, interest at 10 percent	22,212
Total	50,478

69–059 O—97 Vol. 139 (Pt. 10) 44

NOTE 11—INCOME TAXES

Estimated income taxes have been provided on the excess of the estimated current values of assets over their tax bases as if the estimated current values of the assets had been realized on the statement date, using applicable tax laws and regulations. The provision will probably differ from the amounts of income taxes that eventually might be paid because those amounts are determined by the timing and the method of disposal or realization and the tax laws and regulations in effect at the time of disposal or realization.

NOTE 12—OTHER RELATED PARTY DISCLOSURES

Other family members and closely held businesses had the following amounts receivable from or payable to the following entities at December 31, 1992:

	Montery water	3–D properties	4–D properties
Individuals:			
Receivable from	$596,875	$117,720	$1,516,159
Payable to	42,075	119,815	101,197

The notes all bear interest at prevailing interest rates.

NOTE 13—FUTURE INTERESTS

Remainder interests in trusts have not been presented because the rights are not for fixed or determinable amounts.●

A TRIBUTE TO CHAROLAIS COAL CORP.

● Mr. McCONNELL. Mr. President, I rise today to congratulate Charolais Coal Corp. of Madisonville, KY. This outstanding company has recently been presented with an Excellence in Surface Mining Reclamation Award from the U.S. Department of the Interior, Office of Surface Mining.

The Excellence in Surface Mining Reclamation Award gives recognition to companies that produce creative and in innovative accomplishments in restoring coal-mined land to its natural state. In addition, this national award encourages those companies to envision and undertake innovative concepts that will allow the land to become productive once again.

Charolais Coal Corp. earned this distinct honor for reclaiming a 60-acre, pre-1977 abandoned mine site. Reclamation has established excellent vegetation and transformed a highly visible past problem of burning waste, open shafts, and toxic impoundments into a landscape that is difficult to distinguish from the surrounding countryside.

Mr. President, Charolais Coal Corp. deserves this highest honor based on their love for the land, solid technical know-how, a strong sense of pride, a respect for the law, and a sincere willingness to work closely with the State regulatory agency to achieve such reclamation.

I am sure that my colleagues will agree that Charolais Coal Corp. has shown that it is among the best of the best. I salute their progress, and wish them added success in the future.●

REMARKS OF ANTHONY LAKE TO THE BROOKINGS AFRICA FORUM

● Mr. SIMON. Mr. President, recently, Anthony Lake, the National Security Adviser to the President, made a speech at the Brookings Institution about Africa.

He is not a stranger to the African situation. He did his dissertation on United States policy toward South Africa and has spent time in that beleaguered continent.

His speech shows balance and understanding.

I urge my colleagues in the Senate to read his remarks, not for a specific insight into any one country but to get a good, broad perspective on the African scene.

I ask to insert Tony Lake's comments in the RECORD at this point.

The comments follow:

REMARKS OF ANTHONY LAKE, BROOKINGS AFRICA FORUM LUNCHEON, WASHINGTON, DC, MAY 3, 1993

I am delighted to have this opportunity to join you for the Brookings Africa Forum. I want to thank Francis Deng and the Brookings Institution for organizing and hosting this event.

This is my first public speech since President-elect Clinton asked me to become his National Security Advisor. It was not an accidental choice. Africa occupies a special place in my work and my affections. My dissertation was on U.S. policy toward South Africa. I have written on a range of African issues. And I have spent some of the happiest, most challenging times of my life on the Continent. I know that in the past there has been a sense that some administrations have taken years to figure out where Africa is on the map. I hope you will find in us a sense not only of where Africa is, but where we all hope it is going in the future.

This is an exciting and challenging time—a time of change and promise. It is fundamentally a new era in world affairs. The Cold War is over. The Soviet Union is gone. The nuclear arms race has been shifted into reverse. Democracy is on the march. Global commerce is expanding.

Certainly, we face new threats, from weapons proliferation to violent ethnic conflict. But we also have the opportunity to pursue new forms of global problem solving—through re-invigorated multilateral institutions, and through new partnerships that the Cold War had made impossible.

The global changes that receive the most attention are in Europe and Asia: the unification of Germany; the democratic struggles of Russia and the other new states; the prosperity of the Pacific Rim; the conflict in the former Yugoslavia. But you know as I do that the winds of change are blowing again across Africa as well.

Some of those winds are harsh; continuing conflict in Liberia and Angola; human rights abuses, corruption, and resistance to democratic change in Togo and Zaire; and hunger, poverty, and environmental degradation across too much of the continent. But many of the winds of change in Africa carry the breath of hope; a new wave of democratic reform; a new generation of gifted leaders; new movement toward market economies and integration with the global economy; promising new efforts at conflict resolution and peacekeeping; new initiatives to protect Africa's fragile and glorious environment; and,

I would add, the seeds of a new relationship with a new administration in Washington.

Today I want to offer a few thoughts on the nature of these changes, and how our Administration plans to address them.

I believe the most important change for Africa's long-term prospects is the Continent's new progress toward democracy.

For by its nature, democracy provides an inclusive and non-violent means of conflict resolution. It therefore provides an alternative to the kind of violent disputes that have drained so much of Africa's resources and hope in recent years. Moreover, well-structured democracies are more responsive to the material needs of their people. And democracies make better neighbors: they don't tend to wage war on each other.

That is what makes Africa's movement toward democracy so hopeful. In recent years, we have seen the proud birth of democracy in Namibia, and at least thirteen African countries have held multiparty elections. I was privileged to be an observer in Namibia at that time, and was moved by what I saw. Elections are expected in another fifteen countries before the end of the year.

Above all, in South Africa today, the statesmanship of both Nelson Mandela and F.W. DeKlerk and the courage of the South African people real hope that we may soon see what once seemed so remote—the end of apartheid and the arrival of a true non-racial democracy in South Africa. All of us join in mourning the losses South Africa and the African National Congress have recently suffered, such as Chris Hani and Oliver Tambo. Yet we also join in hoping that their life's work has brought within reach the achievement of a new democratic day for all the people of South Africa.

Democracy means more than elections. As we have sadly witnessed in Angola, elections are not enough, in themselves, to bring peace and justice. Genuine democracy implies more, such as respect for individual and minority rights, and tolerance for a loyal opposition. These traditions are not well established in some parts of Africa. Yet Africa's substantial movement toward democracy suggests these concepts and institutions can ultimately be universal.

The movement toward African democracy is not something that has been noticed only by the Administration's African experts. It has caught the attention of their boss as well. When Ambassador Cisse and Ambassador Kitleli presented their credentials to President Clinton on April 14, he remarked to me afterward how impressed he was by his conversations with them. He was also impressed—as he had told them—by the progress toward democracy that had been made by both Mali and Lesotho. And he said he was very encouraged by this trend elsewhere in the Continent.

This movement toward democracy in many ways echoes the period of change Africa witnessed a generation ago. When Africa threw off colonialism, it was because Africans were tired of living under a ruling elite who put their own interests before those of the African people. Today, the rulers are African rather than European. But the African people have been saying once again that any ruling elite that puts its interests before those of the vast majority is no longer acceptable. They are protesting bloated, corrupt, or inefficient governments, and insisting on honest leaders who focus on the broad needs of their people.

To be sure, Africa's democratic institutions will not always look like our own, nor necessarily should they. And democracy is not the answer for every ill that afflicts Africa. But it is a means to address many of those problems more effectively. And for that reason we must do what we can to help Africa nurture and sustain those institutions. We need to promote people-to-people programs and other efforts that can help foster civil society—business groups, women's organizations, service clubs, student leagues. Such institutions operate on the principle of broad participation in community-level decision making, and thus create a base for democracy. Our administration is also examining how we can restructure our foreign assistance efforts, in part to reward and encourage those nations at the forefront of the democratic march.

The second encouraging change in Africa is the increased movement toward market economies and sustainable development. The past decade has seen the demise of statist economic systems around the world for one simple, non-ideological reason: they don't work.

Now, however, many African countries are undergoing the difficult transition toward economic liberalization. There is already some evidence that growth is higher in countries that are moving ahead with such economic adjustments, such as Ghana and Burundi. These transitions take years and must be sustained, but they are the only definitive remedy for the poverty that plagues the Continent. Addressing the problem of poverty also requires a measure of justice to ensure that a nation's additional income, earned by the many, is not distributed only to the few.

President Clinton is committed to exploring means to assist Africa's economic reforms and economic growth. For example, too many African nations face high debt burdens, which can hamper their economic transitions and recoveries. The total debt burden of Sub-Saharan Africa now exceeds its annual GNP and is more than three times the value of African exports. The Administration is exploring with Congress the possibility of joining with the other creditor nations of the Paris Club in providing debt reduction for the poorest, most debt-laden countries cooperating with the IMF in economic adjustment programs. This new initiative is particularly designed to reward with debt reduction those poorest countries implementing difficult reform programs.

The strongest way we can assist Africa's economic development, however, is by helping to integrate Africa into the growing global economy. Government aid is dwarfed by the economic power of private trade and investment. African nations themselves must do much of what is necessary to integrate into the world economy. In many cases, they need to move away from state-owned enterprises, fixed exchange rates, price-distorting subsidies, and corruption that makes business difficult. African nations should also stimulate growth by removing the barriers to trade between themselves. Efforts at regional cooperation such as fostered by SADC—the Southern Africa Development Community—can be helpful in this regard.

But we have a role to play as well. We can help American businesses learn more about the opportunities for African trade and investment. For example, last year, sub-Saharan Africa imported about $60 billion in goods, but only about $5 billion came from the U.S. It is both our interest and Africa's for that to change. Among other steps, the Administration will seek to promote more active African participation in international economic institutions, such as the GATT.

Africa's future requires not only economic growth but also economic justice. With 80 percent or more of the population employed in subsistence agriculture in most African countries, the urban elite too often demands more than their share of a country's resources. This is particularly true of the governing elite. There must be less invested in conspicuous consumption and more in health and education, where the welfare of the great majority lies.

One cannot speak seriously about Africa's economic future without speaking also about Africa's environment. In Africa, economics and environment are inseparable. And, today, Africa's environment is under great strain. About two-thirds of sub-Saharan Africa's wildlife habitat has been destroyed by development. Uganda's forests have been decimated and its once plentiful grasslands have nearly been eliminated. Africa's desert is gaining ground at some three to six miles each year. In Ethiopia, the Rift Valley's acacia forest is fast becoming semi-desert.

No one who has visited Africa can help but feel the great tragedy that these statistics embody. And no one who understands Africa's economy can help but see the imperative of addressing Africa's environmental needs as part of an economic strategy.

There are encouraging signs. Many African leaders have taken impressive steps to preserve natural habitats, protect species, and promote methods of sustainable development. Our government is trying to do its part as well. The U.S. Agency for International Development plans to spend at least $70 million on environmental and natural resource projects in Africa this year.

We also must focus more energy on the underlying forces that strain Africa's natural and human resources, such as population growth and disease. After more than a decade of ideological impasse over many family planning efforts, our government has an opportunity to open a new chapter in our population efforts in Africa and elsewhere. And I pray that our stepped-up investments in research on AIDS here in the U.S. may lead to advances in treatment, and eventually cure, to bring some measure of relief to an African AIDS epidemic that has become one of its most devastating problems of all time.

The third major challenge for Africa and our policy toward Africa involves the prevention and resolution of conflict. Much of the hardship and deprivation in Africa today results from the numerous civil wars that have raged across the Continent. In Angola, Mozambique, Sudan, and until recently Ethiopia, conflict has been a fact of life for years. Fighting in Liberia, Somalia and Rwanda has caused horrendous suffering as many people have had to flee their homes, their farms, and their means of support.

The United States cannot solve every conflict. But we can play a constructive role to help prevent and resolve disputes. Our work with multinational organizations is especially important. The best example of that is our current effort in Somalia. Half a year ago, Somalia was being decimated by civil anarchy and horrible famine. Today, the guns are quiet, food is flowing, crops are growing, and there is talk of civil reconstruction in the air. Now we are in the process of transferring peacekeeping responsibilities to the UN force, UNOSOM II. UNOSOM II will enforce cease-fires, disarm factional militias, and help create an atmosphere in which Somalia can restore civil government.

Peacemakers and peacekeepers are on the front lines in other nations as well, such as Liberia and Angola. Peacekeepings efforts

need to be accelerated in Mozambique in order that the fragile peace there is strengthened. But in addition to helping solve disputes, we must also work to help prevent disputes. We need to place greater emphasis on such tools as mediation and preventive diplomacy. Africa's own organizations, such as the Organization of African Unity, have shown promise in recent years, and we need to help build their capacity to engage early and effectively. This implies an activist approach in nations that are disasters in the making.

The coming years will be a challenging time for Africa. None of us underestimates the magnitude of political, economic, environmental, and health problems that confront a great many of Africa's states.

Yet anyone who knows Africa also sees the greatness and power that dwell across the Continent. It is the greatness of natural beauty and the power of untapped resources. It is the greatness of diverse and rich cultures and the power of talented peoples yearning for a better future. And the progress toward democracy and reform in Africa today tells me that future is now much more than a dream.

During the presidential campaign, then Governor Clinton noted that progress when he said this: "A revolution is underway in Africa. From South Africa to Ethiopia—from Kenya to Zaire—Africans are struggling to achieve political and economic freedoms that we Americans often take for granted. We have a strong interest in helping them to translate those freedoms into a better life for themselves and their children."

I share that conviction. And I share the determination of now-President Clinton to put those words into action. As we do, I look forward to working with many of you in this room and the great nations you represent. Thank you.•

BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through June 24, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $2.1 billion in budget authority and $0.5 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $392.4 billion, $28.4 billion below the maximum deficit amount for 1993 of $420.8 billion.

Since the last report, dated June 23, 1993, there has been no action that affects the current level of budget authority and outlays.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 29, 1993.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through June 24, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated June 22, 1993, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS. AS OF CLOSE OF BUSINESS JUNE 24, 1993

[In billions of dollars]

	Budget resolution (H. Con. Res. 287)	Current level [1]	Current level over/under resolution
On-budget:			
Budget authority	1,250.0	1,247.9	−2.1
Outlays	1,242.3	1,241.8	−.5
Revenues:			
1993	848.9	849.4	.5
1993–97	4,818.6	4,820.0	1.4
Maximum deficit amount	420.8	392.4	−28.4
Debt subject to limit	4,461.2	4,208.9	−252.3
Off-budget:			
Social Security outlays:			
1993	260.0	260.0	.....
1993–97	1,415.0	1,415.0	.....
Social Security revenues:			
1993	328.1	328.1	(2)
1993–97	1,865.0	1,865.0	(2)

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50,000,000.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS JUNE 24, 1993

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues	0	0	849,425
Permanents and other spending legislation	764,283	737,413	0
Appropriation legislation	732,061	743,943	0
Offsetting receipts	(240,524)	(240,524)	0
Total previously enacted	1,255,820	1,240,833	849,425
ENACTED THIS SESSION			
CIA Voluntary Separation Incentive Act (Public Law 103–36)	1	1	0
PENDING SIGNATURE			
Unclaimed Deposits Amendments Act (H.R. 890)	0	1	0
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(7,928)	962	0

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS JUNE 24, 1993—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Total current level [1]	1,247,893	1,241,796	849,425
Total budget resolution [2]	1,249,990	1,242,290	848,890
Amount remaining:			
Under budget resolution	2,097	494	0
Over budget resolution	0	0	535

[1] In accordance with the Budget Enforcement Act, budget authority and outlay totals do not include the following in emergency funding:

[In millions of dollars]

	Budget authority	Outlays
Public Law:		
102–229	0	712
102–266	0	33
102–302	0	380
102–368	960	5,873
102–381	218	13
103–6	3,322	3,322
103–24	4,000	4,000
Offsetting receipts	(4,000)	(4,000)
Total 1993 emergency funding	4,500	10,333

[2] Includes a revision under sec. 9 of the concurrent resolution on the budget.

Note.—Amounts in parentheses are negative. Detail may not add due to rounding.•

THE DEFICIT: WHY YOU SHOULD CARE

• Mr. SIMON. Mr. President, when the Senate was in recess last October, USA Today ran a four-part series on the deficit.

Some of the figures, obviously, are a little outdated at this point, but the need to get hold of the deficit and explaining it in concrete terms was done in an extremely effective way.

I ask that the article from Tuesday, October 20, 1992, be inserted into the RECORD at this point. Also, I urge my colleagues to refer to this as they try to explain the deficit problems to their constituents.

The article follows:

[From USA Today, Oct. 20, 1992]

THE DEFICIT: WHY YOU SHOULD CARE—ECONOMIST M. KATHRYN EICKHOFF SAYS CRISIS COULD BE AROUND THE CORNER

Q: What will happen if we continue down this path that we're going on the deficit?

A: We will have a crisis at some point.

Q: What would that crisis look like?

A: That's very difficult to say. You don't know whether you have a breakdown and get into something like a severe depression, or whether you just have very poor growth in which your standard of living steadily erodes and people wonder why their parents seemed to do so much better than they did.

Q: What is the underlying problem we all face from these $300 billion deficits?

A: The underlying problem is a long-term one. The deficit is diverting savings in an economy that has relatively low savings to begin with. Secondly, most of the solutions to the deficit problem, at least those that involve raising taxes, tend to further diminish savings.

Q: But if we've had less in savings to spend or invest, how have we gotten by so far?

A: In the '80s, this problem was overcome by the heavy inflows of foreign capital. Now

there's likely to come a time, particularly in the '90s, when the demand for capital will increase around the world. That means either we won't get the capital we need or we'll pay very high interest rates.

Q: In other words, we'll be competing with Germany and Eastern Europe?

A: And Russia and everybody and their brother. It is a long-term problem. Therefore, it's been very hard to explain to people why it hasn't created more obvious damage. It has created damage in that it was part and parcel of creating the high-debt environment of the '80s, which has led to structural imbalances that we are now in a long-term cycle to correct.

Q: Isn't the interest we now pay on our $4 trillion debt nearly equal to what we spend on defense?

A: Right, but what we're saying is you're getting into the Third World problem of not earning your interest. Unless you keep increasing the tax rate, the economy isn't earning enough to cover the growth in interest. And this becomes a ballooning problem.

Q: So why not get it back by cutting the budget, particularly defense?

A: That's a tricky one. You don't get straight answers when everything is classified. It's a highly political issue. The closing of bases is a pork-barrel issue going back 100 years. But over the next two years, you're going to see the unemployment rate do things not expected.

Q: What will happen?

A: All of these military personnel being discharged—and we're talking like 500,000 people—will increase the civilian labor force sharply. Some of these people are going to be highly competitive in job markets. They've been well trained. So they're going to be able to shift into new jobs fairly easily, but it's going to be at the expense of people already in the job market who are not as trainable.

Q: Isn't the bottom line on dealing with the deficit the fact that anything we do means pain for many?

A: Yes. We've got a potential explosion in health-care costs. Currently, we're growing about 10.5% per year in the health-care area while other things are being squeezed more and more. So when you talk about one part of consumption growing out of control, you've got a real squeeze on other types of consumption. You drive salaries up in the health-care area, and you lay off people in other sectors of the economy.

Q: And that makes the whole problem worse.

A: Nobody's got any money to buy the goods other people produce. So this breaking of supply and demand in the health-care industry reverberates in every sector of the economy. It's just the same as when we had the oil shock in the 1970s. You suddenly found people having no choice but to spend a much higher share of their income on energy-related items, but their income didn't increase so everything else had to be cut back.

Q: What will it take to fix it? A president and Congress willing to work themselves out of jobs in a few years?

A: Probably. That's not likely, but it has to come from the grass roots, people being really dissatisfied with the way things are going. I don't think they're dissatisfied enough.

Q: What about the argument some of Bill Clinton's advisers are advancing that the deficit shouldn't be attacked too aggressively because the economy is too weak?

A: I don't know that there's ever a good time. When things are good, like in '86, '87, '88, nobody wants to take the punch away from the party. When things are bad, it's "we need to bring some punch to the party." So when do you do it?

Q: Are you at all optimistic that we can get this deficit gradually down?

A: Not really. I don't think anybody wants to take the heat that's required to do it. We discussed this at the end of the Reagan administration. There was a lot of pressure then to do something about the deficit, but ultimately the answer was: "Look, politically if we focus on the deficit, we're dead. Let's get in office, and then we can do something about it." Nothing has been done about it.

Q: So where should we look for answers?

A: We need to get some way to back the government out of things, not keep bringing the government more into them and assuming the government is the solution. The government is the problem, and we've got to start recognizing that.•

A BATTLE BREWING

• Mr. D'AMATO. Mr. President, there is something grotesque in the battle that is brewing between the aircraft carrier and submarine industrial bases. Both are remarkable for the large number of sole and single source vendors in their ranks, the lack of applicability of their singular skills to the commercial marketplace, and their record of manufacturing excellence. Both industrial bases are on the verge of extinction, yet with their last dying breath each is preparing to plunge a dagger into the heart of the other.

What prompts this folly? The realization that the phasing of the Navy's shipbuilding and conversion [SCN] budget for fiscal years 1994–95 is a formula for disaster.

As I noted in a statement a month ago, the entire SCN account for fiscal year 1994 is $4,294.7 million. We are buying a paltry six ships: three *Burke*-class destroyers [DDG–51's], one *Wasp*-class amphibious assault ship [LHD–1], and two oceanographic ships, and modifying an older amphibious assault ship into a mine warfare command and control ship.

Next year, with a smaller budget, the Navy is planning at least the following: one *Seawolf*-class attack submarine, one *Nimitz*-class aircraft carrier, and three *Burke*-class destroyers. The cost of the submarine and the destroyers alone is roughly $4.2 billion. The aircraft carrier will add another $3.6 billion. Presumably, some number of auxiliary ships will also be requested.

The obvious question has dawned on advocates of the CVN–76 and the SSN–23: How is the Navy going to accommodate this SCN funding spike in fiscal year 1995? It didn't take a Kreskin on the councils of the Connecticut and Virginia delegations for them to realize that the Navy will have fewer funds next year than this year. So where is the money going to come from?

The answer seems to be: from each other's pocket. Needless to say, this strategy will only succeed in ensuring the death of both the aircraft carrier and submarine industrial bases. I think it is fair to say that the combined votes of supporters of these two industrial bases is significantly less than a majority in either House. Together, their efforts at persuasion just might be able to convince a majority of Members to buy one last *Nimitz*-class carrier and one last *Seawolf*-class submarine. Apart, both will fall.

I hope my colleagues will see the wisdom of pooling their resources with an eye toward protecting two truly unique, irreplaceable industrial bases.•

THE 100th ANNIVERSARY OF THE B'NAI JEHOSHUA BETH ELOHIM TEMPLE

• Mr. SIMON. Mr. President, today, I honor a congregation and temple in Glenview, Illinois. The congregation of the B'nai Jehoshua Beth Elohim Temple has a rich tradition. They have served the community for 100 years. The B'nai Jehoshua Temple was founded in 1893 in Chicago where it thrived until 1965 when it merged with the Beth Elohim Temple to become the burgeoning congregation it is today. The congregation relocated to a new temple at 910 Milwaukee Avenue in Glenview, a highly regarded architectural landmark. For the past 30 years, the congregation has been led by Rabbi Mark Shapiro, a leader in the community. More than 1,000 members belong to the Glenview temple. This temple and congregation has a deep and rich history. A large number of descendants of the original founders are active in the present congregation. If the ability to live, work, and learn together in harmony was more of a priority in American society, we might not have some of the problems we have today. Members of the B'nai Temple offer a special gift to all of us in and around Chicago: the desire to work with one of our many social institutions to improve the lives of our families and our growing communities.

Mr. President, the U.S. Senate pays homage to the congregation of the B'nai Jehoshua Elohim's Temple for its stability and rich history.•

DAVID IFSHIN

• Mr. McCAIN. Mr. President, last month, President Clinton paid homage to the sacrifices of America's Vietnam veterans by attending Memorial Day ceremonies at the Vietnam War Memorial. I strongly encouraged the President to attend that event, and I applaud his courage in doing so despite the ill-conceived and unjustified opposition of a handful of demonstrators.

Suffice it to say, that the disrespect these demonstrators showed to both the person and the Office of the President reflected poorly only on them.

Most Americans, myself included, greatly appreciated the President's willingness to honor the service of Vietnam veterans, and were very impressed by his determination to offer an eloquent tribute to their service when it would have been far easier for him to have avoided the event altogether.

Among the demonstrators that day, one individual held a sign which asked the President to explain his association with a person known to many of our colleagues, Mr. David Ifshin. "Tell us about Ifshin," it read. My other purpose in speaking today is to do just that: I want to talk about David Ifshin.

David Ifshin is my friend. This declaration may come as a shock to those people whose perception of David was formed and concluded during the Vietnam war. Had they come to know David, as I have, during the years since the Vietnam war has ended, the statement would seem unremarkable. However, for a few people an event which occurred 23 years ago will forever define David. Nothing he has done since then can temper their disapproval of his past behavior.

So, before I discuss the reasons why I have come to respect David, let me first address what happened 23 years ago.

In 1970, while I was an involuntary guest of the Democratic Republic of Vietnam, David Ifshin made—what he will be the first to tell you—was the biggest mistake of his life. At that time, I would have been reluctant to call David my friend.

David had joined a delegation of American antiwar activists who came to Hanoi to denounce our country's involvement in the war. While there, and after he had witnessed the Communist authorities typically ridiculous propaganda display, David made a tape on which he denounced American war crimes. The tape was later broadcast by the Vietnamese to, in David's words, "my continuing embarrassment and shame."

At the time, David was 20 years old, and subject to what poets have called "the unruly passions of youth." His youth is not an excuse for his actions. I mention it only to identify the point in his life when David made this mistake.

David had most of his life before him when he made that broadcast. Were he to have spent the remainder of his life in dishonest efforts to justify his error, the judgment of his character formed by his detractors then would remain sound today. But unless we all wish to be known eternally for our failings as youth, we would be wise and fair to base our judgments of a person's worth on the full extent of their life.

In David's case, the totality of his productive life to date attests powerfully to his growth from a mistaken and intemperate young man with an inadequate appreciation for America's role as a force for good in the world to a decent man and an ardent patriot who has struggled faithfully to advance abroad the political values which define the American experience. It is this man, this believer in the enduring justice of our country's cause, whom I am proud to call my friend.

After his return from Hanoi, David Ifshin traveled to Israel to work on a kibbutz. He was there when the Yom Kippur war broke out. From this vantage point, he observed the American C-5A's deliver the materials which Israel needed to survive that grave challenge to his existence. The event served as an epiphany to David. In his works, "it made [his] earlier opposition to those aircraft * * * ring hollow and bitter." David had come to appreciate how well humanity was served by America's strong presence in the world.

From this experience, and with the guidance of Senator Henry Jackson, David began his admirable journey from an antiwar student activist to what in American political parlance is known as a Scoop Jackson Democrat. It is a political categorization which honors both the great man for whom it is named, and the many good men and women who were proud and blessed to serve the man an his cause.

Regrettably, it is too often the case that once we form an opinion of someone we do not seek additional information which may compel us to revise our opinion. In 1984, after reading a column by William F. Buckley, I joined Mr. Buckley in questioning David's role as general counsel in Vice President Walter Mondale's Presidential campaign. At that time, I knew nothing more about the life of David Ifshin beyond his antiwar activities. That was my mistake.

I soon learned from others that there was a great deal more to David's life than the one incident which I had assumed defined the man. Both Bill Buckley and I came to greatly revise our opinions of David. He earned our respect and admiration.

Shortly after the 1984 campaign, David and a Vietnamese emigre, Doan Van Toai, came to see me and requested that I become chairman of an organization they were forming called the Institute for Democracy in Vietnam. Doan Van Toai, who would serve as IDV's executive director, is the author of "Vietnam Gulag," the first book to document the oppressive nature of the regime that took power in all of Vietnam in 1975.

I worked closely with David and Toai to create IDV and develop its programs. The IDV was conceived in the conviction that in addition to our just concern for our POW/MIA's, the United States should remain committed to the human rights of the Vietnamese people and to real progress toward the democratization of Vietnamese society.

David Ifshin's dedication to IDV has been remarkable. He has worked tirelessly to persuade those Americans who opposed the war out of concern for the Vietnamese people that a cruel tyranny had been imposed on those people by a regime which they had once wrongly viewed as humanitarian. His efforts toward this end occurred long before the Berlin Wall was breached and communism began its nearly global collapse.

Throughout his service in the Mondale campaign, his subsequent involvement in the Coalition for a Democratic Majority and the Democratic Leadership Council, David was well regarded as a serious advocate for an assertive American foreign policy premised on our political values and that recognized America's responsibilities to our allies in the free world.

As David Keene, president of the American Conservative Union, described him:

> David Ifshin has ceaselessly sought to keep American foreign policy grounded in the virtues of our democracy, and to awaken his own party to the importance of sustaining America's enduring legacy of freedom to the world.

David distinguished himself by his support for the Nicaraguan resistance during a period when such support was extremely unpopular with the left. He was also an early and vigorous supporter of President Bush's efforts to reverse Iraq's aggression against Kuwait. Again, he took that position when it was not popular with many members of his own party who preferred to rely on sanctions rather than force to compel Saddam's withdrawal from Kuwait.

I recall a breakfast I had with David a few years ago when he spoke enthusiastically about a friend who had assumed the chairmanship of the Democratic Leadership Council, and whom he was encouraging to run for President. David went on to serve first as general counsel, and then as a senior political and policy advisor to candidate Bill Clinton. In that capacity, he consistently and vigorously advocated Democratic centrist positions and played a leadership role in recruiting other Democratic centrists to the Clinton campaign.

David now counts among his friends and supporters many moderates and conservatives of both parties. I am pleased to consider myself one of them.

One of the benefits of a long life, is that one has greater opportunity to estimate the value of other human beings by considering the full extent of their life's work. We need not rely on snapshots of another's life taken at odd times, perhaps out of context with the rest of that life to form an appreciation of their character.

I have known David Ifshin for a while now. I deeply appreciate his support and friendship for me. He is a man of great character and firm convictions,

who loves his country deeply, and cares passionately about the success of our values abroad. He is big enough to admit his mistakes, and wise enough to learn from them. We should all be blessed with such virtues.

Mr. President, I hope my brief testimonial has allayed the concerns of some of those who have questioned David Ifshin's integrity. I would admonish those remaining doubters to consider how unjust it would be for others to judge their character on their worst single mistake. Unless they are willing to accept that all their life's work will be dismissed in punishment for a single error, then they have little ground to disregard the character and work of my friend, David Ifshin. I am sure President Clinton would be proud to explain his friendship with David Ifshin to anyone who questions it. I know I am.

Mr. President, I ask to insert in the RECORD following my remarks, a statement by Senator LIEBERMAN, a newspaper column by William F. Buckley, entitled: "With Apologies to Mr. Ifshin," and an article written by David Ifshin entitled: "Second Thoughts."

The material follows:

STATEMENT BY SENATOR LIEBERMAN IN SUPPORT OF DAVID IFSHIN

I would like to express my strong support for the comments offered by the distinguished Senator from Arizona, Senator McCain, in regard to David Ifshin. I came to know David Ifshin during President Clinton's campaign. David is well known as a leader in the effort to strengthen the centrist forces within the Democratic Party. He believes in an active foreign policy and a strong defense establishment and has been a tireless advocate of these principles. Senator McCain's efforts to set the record straight in this regard are appreciated by me and David's many other friends.

WITH APOLOGIES TO MR. IFSHIN; DAVID IFSHIN

(By William F. Buckley, Jr.)

A few weeks ago I received a letter from a television viewer in Victoria, Texas, a paragraph of which read, "I believe the people of our country, especially Vietnam veterans, should be made aware of who is designated to head the Dukakis transition team, which gives further proof that Dukakis is farther to the left than most people realize."

The writer had seen a program on CSpan on the question of "transition" to come, between November 8 and January 20, when a new President is inaugurated. "I was amazed to listen to Frank Fahrenkopf (the chairman of the GOP) when he introduced David Ifshin as the leader of the Democratic transition group."

I too was amazed, and wrote a column in which I detailed Ifshin's activity during the Vietnam War, passed along the word that he had repented these activities, but concluded that as head of the transition team of the Democratic Party, he ought to say a word or two in defense of the genteel maneuvering of Dan Quayle, in contrast to Mr. Ifshin's broadcast from Hanoi denouncing the American enterprise. I made two calls, one to Boston-Dukakis, one to Washington-Dukakis to verify that Ifshin was indeed the chief of Democratic transitional arrangements. In both cases, replies were evasive. But since Mr. Ifshin had served as general counsel to Walter Mondale in 1984, the story seemed plausible enough, and I published it.

I report that there has been much consternation—interestingly, on all sides. Ifshin and his friends were greatly pained by the whole redocumentation of his sorry record during the Vietnam War. And the Dukakis people were greatly concerned that the inner circle of Dukakis supporters should proceed on the mistaken impression that Dukakis had given Ifshin so heavy a responsibility, in the event Dukakis were elected President.

Conversations with Mr. Leslie Dach, communications director for Dukakis, and with Mr. Ifshin and others, confirm an interesting story with considerable ramifications.

Shortly after Ifshin's trip to Hanoi, he went to Israel to work in a kibbutz. While there, the Yom Kippur War broke out. He witnessed the role played by our huge cargo planes, the C-5As, in bringing vital war materiel to the beleaguered Israelis. He reflected, with some pain, that while at college he had scorned the building of these airplanes which he now saw as the proximate instruments of Israel's salvation. He began his long turn toward his present position: which is that of what they call a "Scoop Jackson Democrat."

Although Mr. Ifshin came close to Senator Mondale professionally during the 1984 electoral contest, he was even then on the side of a tougher rearmament position. He had collaborated with professors Ralph Winter and Robert Bork in the Coalition for a Democratic Majority, which moved to challenge a provision in the electoral-spending law that got in the way of citizens seeking to advance the cause of national rearmament. He became the general counsel for the American Israel Public Affairs Committee. And he became a friend and associate of psephologist Ben Wattenberg, who is the tattered flagholder at Fort Scoop Jackson.

Mr. Ifshin tells us now that although he is still a Democrat formally, he foresees great difficulties whether Dukakis wins or loses. If he wins, Dukakis is going to need to acknowledge the responsibilities the prevailing party inherits if the United States is to continue to be the arbiter of Western peace. If he loses, the Democratic Party is going to have to face the alternative that the party cannot succeed in a national election so long as it is identified with the cause of American weakness. The voters will not be satisfied with a Democratic program that calls for effective disarmament in the style of George McGovern, who in 1972 proposed a 25 percent reduction in Pentagon spending, counterbalanced by one picture of the Democratic candidate riding in a tank and trying to look like Blood and Guts Patton.

"I have agonized every day of my life," Mr. Ifshin says about his conduct in Vietnam. He has attempted to atone for it by pouring his considerable energy into the Institute for Democracy in Vietnam. Mr. Ifshin deserves forgiveness. One only wishes that he were indeed put in charge of transitional arrangements for Governor Dukakis. The Duke could spend a profitable few hours reading an account of the young life of David Ifshin.

SECOND THOUGHTS

A POLITICAL JOURNEY

(By David Ifshin)

A conference entitled Second Thoughts sounds temptingly like an invitation to reinvent history one's own way. When the period in question is the end of the '60s, there is a particular temptation to see those events through the prism of what has occurred since, and to refashion events to better suit our own current views an self-images. In addition, the notion of "second thoughts" seems a bit understated for my own experience and, I sense, for that of many others.

I entered adolescence and adulthood with the Vietnam War. President Kennedy sent American advisers to Vietnam when I was in grammar school; the Tonkin Gulf resolution passed when I was beginning high school; the war did not end until I had gone through college, spent four years engaged in various activities and completed a semester of law school. During that time I had friends who were killed in the war, friends who became draft dodgers and draft resisters, friends who fled to Canada and, still other friends who concocted a bizzare variety of survival strategies. I cannot reinvent that time, therefore, as a coherent whole in which choices were always clear. Nonetheless, a day has not gone by in the last twenty years that I have not thought about that era in all of its agony and intensity.

My participation in the 1960s was not particularly ideological. In that regard, my story is more typical than atypical. When I finished high school in 1966, I supported the war in Vietnam, and I responded with considerable hostility to friends returning from their first and second years at college who challenged it. My opinions were generally consistent with the mainstream of that time: the United States represented a force of enlightenment and good in the world. The struggle in Vietnam was an extension of our broader role and responsibilities both to help the Vietnamese and to halt the spread of Communism.

When I entered Syracuse University in the fall of 1966, campus activism was almost unknown. Yet the earlier veterans of the civil rights marches in the South had a powerful presence, and the stirrings of discontent were already present. College offered a cosmopolitanism and a sophistication that had thus far eluded me. Yet, for me, the debate at that time had little to do with personal commitments. The first day of college I joined Army R.O.T.C. and when I later turned eighteen that fall, I gladly registered for the draft as another sign of approaching adulthood.

My support for the war was not something I cavalierly discarded one day out of convenience. Arguments about the war filled our classrooms and our evenings, and those discussions continued for years. At first, the majority supported the government's policy and often prevailed by utilizing the arguments of the Johnson Administration against the few that had come to oppose it. Yet inexorably, painfully, individual by individual, the dynamics of the discussion shifted to where the defenders had fewer and fewer arguments that were able to withstand the scrutiny of events.

In the spring of 1968, I was asked by the newly elected student body president to attend the congress that summer of the U.S. National Student Association in Manhattan, Kansas. At the congress, I was for the first time exposed directly to the torrent of passions and emotion as articulated by some of the most prominent anti-war leaders of the day, including Tom Hayden, David Dellinger, Dick Gregory, Rennie Davis, Michael Ferber and a host of others. While the confluence of passions and ideas was intense and fascinating, the underlying message was clear: in a time of great political and moral crisis, one could not afford the luxury of sitting on the

sidelines. Once it was clear that U.S. foreign policy was misdirected, the only remaining question was the action one was prepared to take to stop it.

As an earlier supporter of Robert Kennedy and later Eugene McCarthy. I had already decided to work for Hubert Humphrey, by then the inevitable nominee in the general election. Nonetheless, I went to the 1968 Democratic Convention in Chicago in the belief that a peaceful demonstration there might strengthen the beginning of the Demoractic Party's commitment to change our Vietnam policy. It was to be my first demonstration against the war.

I arrived on the Sunday before the convention and proceeded to Lincoln Park in the expectation that there would be a peaceful demonstration. I was in the Park no longer than twenty minutes with several thousand other people, mostly young, when an enormous number of riot police first surrounded the Park and then entered from every direction and began to swing at everything in sight. I remember backing away from a police officer at that moment who, unable to reach me, turned and split open the head of a young girl who could not have been older than 18. As her boyfriend tried to return to help her, he received even more brutal treatment. There may have been some provocation to cause that reaction, but I did not see it.

For the next several days, any attempts to demonstrate against the war were met with equal force. The experience was enormously disorienting; my reaction was disbelief. Surely the right to peacefully protest against a government policy was still guaranteed. Nonetheless, the culmination on Wednesday evening of an enormous force of police and national guardsmen arrayed against a relatively small number of would-be peaceful demonstrators throughout the night was disillusioning. I returned home an embittered and disillusioned opponent, not only of the Administration's policy, but now of the manner in which the government apparently intended to maintain support for it.

Late in the spring of the following year, I was elected student government president by appealing to the sense of growing alienation and frustration on the campus. A few months later, as president of the student government, I helped organize the Vietnam moratorium on campus. Over ten thousand participants peacefully marched, the largest demonstration in the history of the city. I became more involved in the National Student Association that year and attended several of the meetings of the anti-war coalition organizing the national protests. When, in the spring of 1970, there was a military invasion into Cambodia, Syracuse was one of the first colleges to go on strike following a meeting I helped organize on the quadrangle, after returning from a NSA press conference at which I, along with a number of other student body presidents, had called for such demonstrations.

Upon graduation, I went to the National Student Association Congress in Minnesota. There, I was elected president of USNSA and returned to Washington that fall. My predecessor had been in direct contact with NSA's counterpart organization in South Vietnam, an important element of the "Third Force," that opposed both the Communists and the Saigon regime. The South Vietnamese Student Association led by Huyen Tan Mam, had invited my predecessor to South Vietnam earlier that year along with other anti-war leaders. At that time, there had been demonstrations against the war, which had led to the imprisonment of many of the students. This relationship was transferred to me upon assuming office as one of the key elements of our policy. It was consistent not only with my own views, but with the policy the National Student Congress had adopted at the same meeting in which I was elected. The two student organizations had had the notion during the earlier meeting in South Vietnam, that support for the concept of a coalition government—including elements of the Third Force, the existing government of South Vietnam and the Communists—would be promoted by the concept of a "Peoples Peace Treaty." Prior to my election, the NSA Congress voted almost unanimously to make pursuit of such a document a goal of its next administration. It was during this period and out of this relationship that I first met Doan Van Toai, the author of The Vietnamese Gulag, and a fellow participant in this conference.

Following further imprisonments of student leaders in South Vietnam, NSA organized a protest of student body presidents to demand release of the students who had been imprisoned in South Vietnam. Following notification of their release, we asked to go to South Vietnam to meet with them ourselves. Since the visit of the group that included my predecessor that previous spring had only led to further troubles, the government of South Vietnam refused to issue a visa to the group that wanted to go. I recall going to the Embassy with three others to request our visas. Two of us were 1A for the draft and two were Vietnam veterans who wanted to go back. We were denied admission. Frankly, it did not seem like a big deal at the time since, given my draft status, I was likely to be get a visit without a visa in the not-too-distant future.

Nonetheless, the press covered the incident, and it led to an inquiry whether I would be willing to visit North Vietnam. The invitation was straightforward and played directly into a preconception I was drifting toward: that it was the government of South Vietnam that was repressive and that North Vietnam had been misportrayed. My subsequent visit there, a trip made by many other Americans, most more prominent than I (including a former Attorney General of the United States, Joan Baez, Dr. Spock, and others) reinforced my desire to believe that the other side was willing to end the war by forming a coalition government with the government of South Vietnam and the Third Force following U.S. withdrawal. This was emphasized repeatedly, usually in the form of support for the proposal offered by the Communist side at the Peace Talks through the Provisional Revolutionary Government, the political arm of the National Liberation Front. The reality that neither of these organizations was more than a Communist front was obvious even to us.

The most compelling parts of the trip, however, were not such discussions. Our hosts lost no opportunity to show us the physical and human toll of the war. Given our own sentiments and feelings in that regard, it could not fail to have the intended effect. We were shown exhibitions of so-called "American war crimes," always stressing that they were angry at the American government, not at individual Americans like us. I recall, in particular, one session in which a succession of individuals were brought in who had been wounded by American bombing: a man whose face had been melted by white phosphorous and who was breathing through two straws where his nose and been; a young teenage girl who could sit down only with great pain and difficulty because of fiberglass cluster bomb pellets still lodged in her body that could not be removed because the pellets were invisible to x-ray (a casing from a Honeywell anti-personnel bomb was laid on the table with the Honeywell name visible for us to see as we talked to them); a woman with a deformed infant who could not sit up in her hospital bed due to her constant nausea because she allegedly had drunk water polluted with defoliants.

In retrospect, the use of civilian causalities is obviously an enormously powerful force to influence untrained civilians who have arrived with preconceptions such as ours. Our reaction was predictable. Nonetheless, the Vietnamese continued to say to us that it was our government and not we who were responsible. Later that evening, however, I ran into some European visitors, who stated they were doctors investigating American war crimes. They were not so charitable. On hearing that I was an American, their comments were blunt, including direct comparisons to the Second World War and "crimes of silence." When I responded that a Jew I found Holocaust comparisons from a European to be obscene, one inquired acidly whether I would consider a wartime German guiltless because he had visited a gas chamber and registered his disapproval. What had I really done, he asked, to distinguish myself from my countrymen who were waging, in his words, a war of genocide. After enduring their comments for a short time, one of the Vietnamese with me suggested there was a more personal statement I could make by being interviewed for the radio.

One of the great misfortunes that can befall someone who is twenty is to have someone put a microphone in front of them to record or broadcast his sophomoric statements. As president of NSA, I was frequently accorded that opportunity. On countless occasions, I had been interviewed by the broadcast and print media at a ridiculously young age. This was an opportunity, however, I would not soon forget. The statement I made was later broadcast by the North Vietnamese over the radio to my continuing embarrassment and shame.

It is too easy, however, to focus on that single event as an isolated error. In fact, it was simply an extension of a more fundamental error that I shared with too many others: a willful disregard of what was to happen not only to the people who worked with our government during the war, but to the Third Force itself under Communist rule. The story does not need repeating here; we all know it too well. The imprisonments, torture and petty brutalities of the Communists' relentless drive to convert the country into their own image of "social equality" is an evil that cannot be exaggerated. It is too easy for us to ignore both the results and the reasons.

It is not, however, as simple a matter as saying that had the war continued there might have been a happier ending. The policy itself of our government was so fundamentally flawed from the beginning that it is doubtful—regardless of what happened in the way of domestic support—that it could have succeeded. The war was lost long before domestic opposition reached significant proportions. Moreover, to blame failure of the war on lack of domestic support is to confuse cause and effect. It is the responsibility of the leadership of the government to develop and adopt policies that can be supported by the people at a cost whose toll

is reasonable. When there is a failure of the leadership to meet that standard, domestic discontent is to be expected.

Later that following year, I set off for South America to attend a meeting in Salvador Allende's Chile. It is there that I began to see the struggle in a different context. A vibrant and historic democracy, Chile had just elected Salvador Allende by a small plurality as its President. The country was in turmoil, and the Communists decided to hold a meeting of their student organization there to express solidarity. It was in those debates and discussions that I began to understand more directly the reality of the threat. It is clear to any honest observer that the Communists were not going to promote a change in Chile peacefully. The Cubans were helping to arm them in the barrios, and we could feel an impending civil war in the air.

I returned to the United States where I worked first for the National Welfare Rights Organization and later for the Democratic National Committee in support of George McGovern's 1972 election. It was there that I began to become deeply disillusioned with the Democratic Party's foreign policy. Rather than directly engage the issues, there was a persistent superficiality about foreign policy, an analysis that could go no further than withdrawal of U.S. troops from Vietnam. While it was an end I still eagerly sought and was prepared to work for, its intellectual emptiness was manifest to anyone who cared to explore it.

At the end of the campaign, I decided to go to Israel to live and work for a while to get a different perspective on the world. I wound up on a kibbutz on the border, a kibbutz which had suffered heavily in the struggle with the PLO before Hussein dislodged them. After returning home following the end of the Yom Kippur War, my appreciation of America's place in the world had been deepened in a manner that can only occur in an environment where one sees it threatened directly and tangibly. One cannot be that close to confrontation with countries so heavily armed with Soviet weaponry without a dramatic impact on one's views. As C5A cargo planes landed every few moments to replenish an ally whose resources were almost exhausted during a time of enormous costs in human life, it made the earlier opposition to those aircraft that I had voiced ring hollow and bitter. Although details of that resupply and the internal politics of Washington later became apparent to me, the impact at the moment will never be lost.

After returning home and working construction for a while, I headed off to law school. I had decided that I would put political involvement behind me given how profoundly my views had evolved, when I was contacted by Scoop Jackson's presidential campaign manager. At his request, I agreed to help during the summer of 1975 as the campaign sought to make its peace with elements of the McGovern wing of the Party. I arranged several meetings with them and Senator Jackson; they accomplished little. They did, however, lead to an invitation to me to travel with him in San Diego for a few days. It was during that trip that I told Senator Jackson that I was probably not going to get involved in any more campaigns because of a difficulty of reconciling my current views with my past positions. His reaction was intense and unforgettable. He upbraided me for believing that the United States could have C5A's for Israel alone and said whether I worked in his campaign or not, I had an obligation to turn my experiences into action for the things I had learned the hard way.

In many ways, it was that meeting that set me on the path to this Conference. But conferences and seminars are not enough. While we should not become so obsessed with the past that it paralyzes us, we need to do more than just learn from our mistakes. The people of Vietnam live under a brutal and repressive regime. It is wrong for people who opposed or supported American involvement in Vietnam out of a desire to help the people of that country to ignore the present reality. In my own case, I have co-founded with Doan Van Toai the Institute for Democracy in Vietnam. Its purpose is to help support prodemocratic forces in Vietnam, including the publication of a Vietnamese *samizdat*. It is a tribute to Toai's perseverance and courage that in addition to publishing *The Vietnamese Gulag* in Vietnamese and distributing it in Vietnam, the Institute will soon resume publishing his magazine of political commentary that he edited as a student leader of the Third Force.•

LAWRENCE TECHNOLOGICAL UNIVERSITY'S WIN AT THE HEV CHALLENGE

• Mr. LEVIN. Mr. President, on June 4, Lawrence Technological University students achieved several important goals at the HEV [hybrid electric vehicle] Challenge. Their entry, the No. 1 Response, was named the most manufacturable and recognized as the best engineering design. And, No. 1 Response won the Society of Automotive Engineers' Design Excellence in Engineering Safety Award.

The HEV Challenge was a national competition sponsored by Ford Motor Co. to encourage engineering students to focus on the problems of building a practical hybrid electric vehicle that runs primarily on electricity, but has an auxiliary combustion engine which can recharge the batteries. Lawrence Tech students were 1 of 30 groups that entered the challenge.

Mr. President, these Lawrence Tech students are to be congratulated by the Congress for their engineering and scientific prowess. Their skills and abilities are going to drive the development of advanced transportation technology well into the next century. We are going to need them to meet the challenges of developing vehicles that will address the energy security and environmental issues this country needs to face.

The Lawrence Technological University's No. 1 Response team included: Doug Callahan, project manager, Troy; Brett Affholter, Redford; James O'Connor, Troy; Norm Harrison, Southfield; Ken Birecki, Canton; John Murphy, Detroit; Paul Furman, Farmington; Mike Butler, Redford; Dave Huelke, Ann Arbor; Mark Emmelkamp, Dearborn; Charles Schwartz, faculty advisor; Nick Bracik, faculty advisor.

Mr. President, I salute these team members and wish them great success in the future. They surely are deserving of it.•

NATIONAL ACADEMY OF SCIENCE STUDY

• Mr. GORTON. Mr. President, on Monday of this week the National Academy of Science released the long awaited study on "Pesticides in the Diets of Infants and Children." Not unlike many other parents and grandparents around the Nation, I, too was interested in the outcome of this study. The recommendations made by the National Academy of Science to improve risk assessment are important in our efforts to further safeguard children's health. Because I have three grandchildren, and one on the way, I am certainly sympathetic to a parent's concern for the health of their child and welcome the NAS recommendations. The NAS committee members were asked, during testimony before the Senate Agriculture Committee, if parents should continue to feed their children fruits and vegetables. Their response, not surprisingly, was that fruits and vegetables are a very important component of a child's diet, and parents should continue to encourage their children to eat them. The NAS committee confirmed that by encouraging our children to snack on apples and vegetables we are building healthy eating habits which they will carry on into their adult lives.

I commend Dr. Phillip Landrigan, a pediatrician and chair of the NAS Committee, who in his opening statements before the Senate Agriculture Committee, stated "The goal of the report is to make the very good food supply of the United States even better."

I agree with Dr. Landrigan, and I can attest that Washington State farmers are dedicated to that same goal. Farmers have, and will continue to focus on using the minimum levels of pesticides necessary for producing a wholesome, safe, food supply. As Dr. Landrigan stated, the NAS study will be the roadmap for making what is already good even better.

I agree with the committee's conclusion that children deserve special consideration in regard to pesticide tolerance. As policymakers, we can help by following the committee's recommendation to do everything in our power to assure that data collection on this issue increases. Good, solid data will allow Government agencies to make sound decisions about the welfare of our children based on sound science—and that will protect our children, grandchildren, and great-grandchildren for generations to come.

There is no question that our food supply is the safest and the most abundant in the world. Dr. C. Everett Koop, former Surgeon General, has said that pesticides are important tools that have made this abundance possible. As a society, we must ensure that we do everything possible to ensure that our farmers have those important tools that allow them to produce safe food

not only for our own children, but for the world's children as well. The NAS recommendations will be an important part in improving risk assessment and in further safeguarding our children's health.•

S. 1178—THE GREAT LAKES FEDERAL EFFECTIVENESS ACT

• Mr. GLENN. Mr. President, I ask that S. 1178, the Great Lakes Federal Effectiveness Act, which I introduced on June 29, be printed in the RECORD.

The text of S. 1178 follows:

S. 1178

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 "Great Lakes Federal Effectiveness Act".

SEC. 2. GREAT LAKES RESEARCH COUNCIL.

(a) ESTABLISHMENT OF COUNCIL.— There is established a Great Lakes Research Council.

(b) DUTIES OF COUNCIL.—The Council shall—

(1) advise and promote the coordination of Federal research activities to avoid unnecessary duplication and ensure greater effectiveness in achieving ecosystem protection of the Great Lakes through the goals of the Great Lakes Water Quality Agreement;

(2) no later than one year after the date of enactment of this Act, prepare and provide to Congress and to other interested parties, a document which includes—

(A) an assessment of the research activities needed to fulfill the Great Lakes Water Quality Agreement goals;

(B) an assessment of existing Federal expertise and capabilities in those activities needed to fulfill the Great Lakes Water Quality Agreement goals, including an inventory of existing Federal Great Lakes research programs, projects, facilities, and personnel; and

(C) recommendations for long-term and short-term priorities for Federal research on the Great Lakes, based on a comparison of the assessment conducted under subparagraph (A) and existing programs;

(3) identify topics for and participate in meetings, workshops, symposia, and conferences on Great Lakes research issues;

(4) make recommendations for the uniform collection of data for enhancing research and management protocols relating to the Great Lakes ecosystem;

(5) advise and cooperate in the establishment of a comprehensive, multi-media data base for the Great Lakes ecosystem; and

(6) ensure that the results, findings, and information regarding Great Lakes research programs conducted or sponsored by the Federal Government be disseminated in a timely matter, and in useful forms, to Congress and to other interested persons, using as much as possible existing mechanisms, such as the Great Lakes Research Inventory prepared by the International Joint Commission.

(c) MEMBERSHIP.—(1) The Council shall be composed of one research manager from—

(A) the Environmental Protection Agency;

(B) the National Oceanic and Atmospheric Administration;

(C) the United States Fish and Wildlife Service; and

(D) any other relevant Federal department, agency or instrumentality, as determined by the Council membership.

(2) Wherever possible, the research manager selected under paragraph (1) shall be a member of the International Joint Commission Council of Great Lakes Research Managers.

(3) Other persons who are not Federal employees may serve as ex officio members of the Council, at the request of the Council membership.

(4) Persons chosen to serve on the Council shall have extensive knowledge, scientific expertise, and experience in the Great Lakes ecosystem.

(d) CHAIRPERSON.—The Chairperson of the Council shall be elected by the members and shall serve for a period of two years. No member of the Council may serve as Chairperson for more than two consecutive terms.

(e) COMPENSATION.—While performing offical duties as members of the Council, members of the Council are entitled to receive compensation for travel and transportation expenses under section 5703 of title 5, United States Code.

(f) INTERAGENCY COOPERATION.—The head of each department, agency, or other instrumentality of the Federal Government which is a member of the Council—

(1) shall cooperate with the Council to implement the recommendations developed under subsection (b);

(2) may, upon written request of the Chairperson of the Council, make available, on a reimbursable basis or otherwise, personnel, services, or facilities as may be necessary to assist the Council in achieving the purposes of this Act; and

(3) shall, upon written request from the Chairperson, furnish data or information necessary to achieve the purposes of this Act.

SEC. 3. INTERNATIONAL COOPERATION.

(a) INTERNATIONAL JOINT COMMISSION.—To the greatest extent possible, the Council shall carry out its activities and responsibilities under the auspices of the International Joint Commission Council of Great Lakes Research Managers.

(b) FUNDING.—Agencies represented on the Council may reimburse costs associated with activities authorized under this Act conducted by the International Joint Commission.

SEC. 4. EFFECT ON OTHER LAWS.

Nothing in this Act shall be construed to amend, restrict, or otherwise alter the authority of any Federal department, agency, or instrumentality, under any law, to undertake Great Lakes research activities.

SEC. 5. DEFINITIONS.

For purposes of this Act the term—

(1) "Council" means the Great Lakes Research Council established under section 2 of this Act;

(2) "Great Lakes" means—

(A) Lake Erie, Lake Huron, Lake Michigan, Lake Ontario, and Lake Superior;

(B) their connecting waters, including the St. Marys River, the St. Clair River, Lake St. Clair, the Detroit River, and the Niagara River; and

(C) the St. Lawrence River;

(3) "Great Lakes research" means the application of scientific or engineering expertise to explain, understand, and predict physical, chemical, biological, and socioeconomic processes, and their interaction, in the Great Lakes ecosystem; and

(4) "Great Lakes Water Quality Agreement" means the bilateral agreement between the United States and Canada which was signed in 1978 and amended by the Protocol of 1987.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

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

THE MAIZE AND BLUE TEAM'S VICTORY AT THE SUNRAYCE

• Mr. LEVIN. Mr. President, I take great pleasure in notifying the Senate that the University of Michigan's Maize and Blue team won the Sunrayce on June 26, 1993, for the second time in a row.

The Sunrayce is a biennial collegiate solar car race sponsored primarily by the Department of Energy and General Motors. The race is designed to challenge science and engineering students and encourage innovation. Universities and colleges from all over North America joined in the competitive 7-day, 1,100 mile race that started in Arlington, TX, and finished in Minneapolis.

The Maize and Blue team beat its nearest competitor, the California State Polytechnic University-Pomona, by about 90 minutes maintaining an average speed of approximately 27.29 miles per hour. There was a small matter of a tire blowing out near the finish line, but that did not prevent the team from finishing in first place.

Mr. President, that speed may not make NASA nervous, but I am, and we should all be, very impressed. These students are on the cutting edge of advanced transportation and solar energy technology. Through their hard work they have accomplished, once again, an amazing feat—using the power of the Sun to propel a vehicle and its driver over 1,000 miles. They are worthy of our recognition as they represent what is best about America now and what America can become if we do the smart thing and strongly support renewable energy research and development.

The University of Michigan's Maize and Blue solar car team members include:

Furqan Nazeeri, project manager/team leader;

Bill Cosnowski, team manager;

Andrew Carmody, systems coordinator;

Kristine Gearhart, power team;

Chad Mentzer, power team;

Ketan Patel, electronics team leader;

Andrew Warner, chassis team leader;

Kevin Cain, body/chassis team and alternate driver;

Andris Samsons, chassis team and driver;

Betsy White, power team and driver;

Deanna Winton, chassis team and driver;

Eric Slimko, aero/body team leader and head strategist;

Andrew Walberer, strategy team leader;

Stephen Lukacho, aero/body team;

Joseph Bartlo, weather;

Mark Kulie, weather;

Jeff Zoltowski, weather;

Dan Ross, business team leader;

Lesley Camblin, assistant project manager;

Bryan Theis, power team and logistics;

Harry Yates, systems coordinator and logistics;

Prof. Bruce Karnopp, faculty advisor; and

Prof. Gene Smith, faculty advisor.

The sponsors of the race and corporate sponsors of the race who donated the car's major components also deserve our thanks and appreciation for their support of the Sunrayce and the University of Michigan's team.

The amazing Maize and Blue did it again.●

TRIBUTE TO THE LATE FIRST LADY OF THE UNITED STATES, PATRICIA RYAN NIXON

Mr. COCHRAN. Madam President, in behalf of the Republican leader, Senator DOLE, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 127) to print as a Senate document a collection of statements made in tribute to the late First Lady of the United States, Patricia Ryan Nixon.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to the consideration of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 127) was agreed to, as follows:

S. RES. 127

Resolved, That there shall be printed as a Senate document a collection of statements made in tribute to the late First Lady of the United States, Patricia Ryan Nixon, together with appropriate illustrations and other materials relating to her death.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE TELEMARKETING AND CONSUMER FRAUD AND ABUSE PREVENTION ACT

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 121, S. 568, the Telemarketing Fraud Act, that the committee amendment be agreed to, the bill, as amended, be deemed read three times; I now ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 868, the House companion, that all after the enacting clause be stricken and the text of S. 568, as amended, be inserted in lieu thereof, that the bill be deemed read a third time, passed and the motion to reconsider laid upon the table; that statements by Senators BRYAN and HOLLINGS relative to this measure appear in the RECORD at the appropriate place; further that upon disposition of H.R. 868, the Senate companion measure be returned to the calendar.

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

So, the bill (H.R. 868), as amended, was deemed read a third time and passed.

Mr. BRYAN. Madam President, as chairman of the Commerce Committee Consumer Subcommittee, I am very pleased to present for full Senate consideration S. 568, legislation to protect consumers and legitimate businesses from the unscrupulous tactics of fraudulent telemarketers. The issue of telemarketing fraud has been one of my priorities since I entered the Senate, and I am delighted to see that this legislation stands an excellent chance for passage in this Congress.

In each Congress since I arrived in the Senate, I, along with Senator MCCAIN, have introduced legislation to combat the pernicious problem of telemarketing fraud. I am pleased to note that in this Congress, S. 568 is cosponsored by almost every member of the Consumer Subcommittee—Senators GORTON, BURNS, and DORGAN—as well as Senator BINGAMAN. I am optimistic that our legislation, which has previously passed the Senate on three separate occasions, and was favorably reported by the full Commerce Committee on May 25, 1993, will finally be enacted into law this year.

While there are, of course, many legitimate telemarketers, the industry has also unfortunately become rife with scam artists and other crooked operators. Some estimates of the costs associated with such fraud are as high as $40 billion per year.

In telemarketing fraud, consumers are typically offered goods and services at incredibly low prices, or are enticed into purchases through offers of luxury items or fabulous trips, at little or no cost. Consumers often are required to pay in advance, and are generally asked to pay by credit card.

As we have learned, however, the offer is indeed too good to be true. Sometimes the items are never received, and even when delivered, the consumer discovers that it is not of the promised value. In some instances, persons are promised a valuable prize, if a purchase is made, but never receives the prize. These fraudulent schemes have involved the sale of vitamins, diet aids, credit card protection programs, luggage, vacations, and office machine supplies, to name just a few.

The most common mode of telemarketing fraud is the fly-by-night, boiler room, anonymous operator, whose contact with the consumer is limited to the telephone, and whose mobility and anonymity permit the consumer no recourse if the goods are deficient or undelivered. These types of operations make enforcement and prosecution against fraudulent telemarketers difficult, particularly for State law enforcement officials.

According to a study conducted by Louis Harris & Associates on behalf of the National Consumers League, 92 percent of all Americans have received a postcard informing them that they were a definite winner of a free prize, and 29 percent have responded to such mailings. Over 5.5 million Americans have purchased something by telephone that they later felt was a definite fraud.

More disturbing, however, is that the survey reveals that over 1 in 6 Americans find it very difficult to resist a telephone solicitation. Coupled with the fact that less than one-third of the people who have been cheated out of money ever report their losses to the authorities, it is clear that fraudulent telemarketing has become a lucrative business for unscrupulous operators to prey on innocent victims, especially the elderly.

At a Consumer Subcommittee hearing on S. 568 that I chaired on March 18, 1993, the Federal Bureau of Investigation shared with us the results of a 3-year undercover sting operation that it had conducted, appropriately named "Operation Disconnect." The FBI's successful efforts to target illegal telemarketers were the result of an innovative undercover approach and their ability to use the telemarketer's own greed and desire for quick profits against him.

The results of the FBI's efforts illustrate the need to attack this serious and growing problem from a variety of fronts, and to pursue coordinated law enforcement efforts when possible. The Department of Justice, the Federal Trade Commission, and State law enforcement authorities can all bring a unique perspective to the issue.

S. 568 requires the FTC to promulgate telemarketing rules, and in that process to consider: Whether a promised shipping date should be required; whether a cooling off period, in which telephone sales could be rescinded, should be mandated; and whether requirements regarding the hours, type of equipment used, and records kept in telemarketing should be imposed. The bill would permit continuation of State law in this area, to the extent that the FTC finds that the State law provides an overall level of protection equal to or greater than that provided by the bill.

The bill also is designed to strengthen the FTC's enforcement powers. Specifically, it would expand the current

venue provisions of the FTC Act, to allow the FTC to join additional defendants in pending cases; expand subpoena power to allow the FTC to subpoena physical evidence as well as documents; expand the FTC's ability to obtain financial data in the course of its investigations without notice to the subject of the records, upon obtaining a court order that such data are necessary to prevent removal of assets subject to seizure; and expand the FTC's authority to obtain enforcement of its court orders through criminal, as well as civil, contempt proceedings.

Additionally, the bill permits State attorneys general to bring civil actions in U.S. district courts for telemarketing fraud or for violations of the telemarketing rules promulgated by the FTC, and the FTC is permitted to intervene in such actions. The bill also permits consumers and financial institutions to bring lawsuits under the FTC Act directly against those engaged in telemarketing fraud, if the amount in controversy exceeds $50,000. The bill also creates jurisdiction in Federal courts for actions brought under the bill. Finally, the FTC is required to establish a clearinghouse for sharing information received by Federal agencies concerning telemarketing.

The House of Representatives passed a similar telemarketing bill, H.R. 868, on March 2, 1993. Madam President, this legislation is vitally important. S. 568 will protect all consumers, as well as legitimate businesses and financial institutions, from becoming unwilling victims of unscrupulous and fraudulent telemarketers. I ask for the unanimous support of my colleagues.

Mr. HOLLINGS. Madam President, I am pleased that the Senate is considering S. 568, legislation designed to protect consumers and legitimate businesses from the ever-growing abuses and costs associated with telemarketing fraud. Such abuses cannot be permitted to go unchecked. According to some estimates, the costs from this fraudulent activity are in the billions—possibly as much as $40 billion.

Under fraudulent telemarketing practices, consumers are frequently lured into purchasing goods and services with offers of investment opportunities, fabulous prizes, deluxe vacations, and even household products such as vitamins, all at little or no cost. Consumers often are required to pay in advance, and are generally asked to pay by credit card. The offer is often, however, too good to be true. Sometimes the item is never received, and even when delivered, the consumer discovers that it is not of the promised value. In some instances, an individual is promised a valuable prize if a purchase is made, but never receives the prize. In addition, the required purchase typically costs much more than the value of the item. The most common mode of telemarketing fraud is fly-by-night, boiler room, anonymous operators, whose contact with the consumer is limited to the telephone, and whose mobility and anonymity preclude the consumer from having any recourse if the goods are deficient or undelivered.

Despite the difficulties in locating and pursuing fraudulent telemarketers, both State and Federal law enforcement agencies continue to report that telemarketing fraud remains high on their list of enforcement priorities. S. 568 will aid their efforts by providing additional enforcement tools for the Federal Trade Commission and creating a new cause of action for State attorneys general and private parties with damages exceeding $50,000.

S. 568 was favorably reported by the Commerce Committee on May 25, 1993, without objection. The House of Representatives passed a similar telemarketing bill, H.R. 868, on March 2, 1993. In the last Congress, the Commerce Committee reported legislation virtually identical to this bill, S. 1392, which then passed unanimously by the full Senate. The House also reported similar legislation, H.R. 3203, but final legislation was not enacted before the Congress adjourned.

Madam President, I urge my colleagues to support this important consumer protection measure.

Mr. McCAIN. Madam President, I rise to join my distinguished colleagues and good friend from Nevada, Senator BRYAN, in encouraging our colleagues to adopt the Telemarketing and Consumer Fraud and Abuse Prevention Act.

Madam President, telemarketing is one of the fastest growing industries in the United States. This industry has provided American consumers greater options for obtaining information, entertainment and home shopping opportunities. A great many of these telemarketing companies are legitimate, and operated by honest businessmen and women. Unfortunately, the expansion of the industry has also led to the emergence of telemarketing and consumer fraud.

As we saw with the FBI sting of several months ago, this problem is pervasive and national in scope.

I have focused on the issue of consumer fraud for several years now, particularly with regard to the issues of Health and consumer fraud targeted at the elderly. On March 16, 1988, I testified before the Federal Trade Commission [FTC] on my concern about health care and consumer fraud affecting senior citizens—leaving behind unsatisfied, and in some cases, physically harmed seniors who relied on fraudulent products and health care schemes. For the past several years, Senator BRYAN and I have been working together to try and get legislation enacted to combat telemarketing fraud.

Telemarketing and consumer fraud costs American taxpayers tens of billions of dollars per year, and, in the case of health fraud, can costs lives as well. Such fraud is often committed by individuals who escape legal action by dismantling their operation and relocating to begin the operation again. In the cases of these boiler room scams, such as the subjects of the recent FBI sting, both the victims and the perpetrators are difficult to locate since the operations often consist of nothing more than phone banks which do not readily provide detailed evidence of illegal activity.

There are several areas of fraud to which the elderly are particularly susceptible.

First, health fraud is one of our Nation's leading consumer fraud and health care problems. Older Americans, as a group, experience deteriorating health and a greater number of terminal illnesses than the rest of the population. In searching for a way to prolong life and combat illness, the elderly are particularly susceptible to the claims of scam operators.

Health care fraud can be life threatening. In some cases, the so-called cure may be deadly as well. In other cases, the product may be harmless, but a victim may be led to choose the product for treatment of an illness instead of a physician-recommended course of treatment. Again, the result could be quite serious.

Not only is such fraud dangerous to the consumer's health, it is also costly. Current projections by the National Council Against Health Fraud indicate that this activity is costing Americans close to $25 billion a year.

A few examples from my own state of Arizona illustrate the magnitude of the problem.

An advertisement was placed in the Arizona Republic and Phoenix Gazette newspapers that read: "Alzheimer's Disease—symptoms of senility. At last—now there is hope. Call (this number) for help. Free—no charges—no fees."

Another case involved a phony cancer cure called tumorex. The ad read:

> Cancer patients undergo a six-day therapy of daily tumorex injections administered by a licensed M.D. or R.N. This is augmented by amino acid capsules taken ½ hour before each meal. Any enzyme program must be discontinued 24 hours before the first day of treatment. In most cases, six days of treatment are sufficient; however, 12 days or more are required for some severe cases. Colon cleaning is important before treatment and imperative after treatment. $2,500 includes the 6- or 12-day treatment, and transportation (meals and lodging not included). We suggest cashier's or traveler's checks, however, MasterCard and Visa are acceptable.

Mr. President, tumorex is really the amino acid L-arginine, which can be purchased at local health food stores at a cost of $5.50 for 100 tablets.

Second, consumer fraud via the television or telephone is another issue of

particular concern to older Americans. Consumer items for purchase, and medical and health services are commonly marketed in this manner. While many of these sellers offer legitimate services or merchandise, many times consumers lose by not receiving the ordered item, receiving a copy rather than an authentic item, or by suffering some financial of health loss.

One example of this type of telemarketing scam in Arizona involved a nationwide, shop-at-home program. This program, which was aired over nationwide television, involved a listing of various items for sale. The money for these items was sent to the company which, in turn, cashed the checks and never delivered the merchandise. The operation generated over 1,300 complaints.

Third, is the area of life care communities. While life care communities can be a practical solution to the problem of assuring constant care for the elderly, there have been several occasions where senior citizens have lost their investments due to fraud or mismanagement. This has involved the misrepresentation of financial risks, mortgage-lender's interests in the life care community, and the misuse of the entrance fee financing.

The structure of the life care industry facilitates such abuses, and it is time that we take a close look at the industry's practices and ensure that life care communities remain safe alternatives for senior citizens.

And, lastly, is the area of credit laundering. This area of fraud is emerging as a great threat to both consumers and the banking community. This is exemplified by the situation where a fraudulent telemarketer uses the credit card privileges of a merchant to obtain legitimate credit card drafts as records of transactions to receive payment from the unsuspecting customer's bank.

Consumers fall prey to the attractive descriptions of an item by a telemarketer, and provide their credit card numbers to the so-called seller. The telemarketer then submits that number to a willing merchant with legitimate credit card privileges, who submits the credit card drafts to the corresponding bank. This activity often results in a customer not receiving the item or receiving an item which is different from the promised item. An additional effect on the banking institutions is that, upon receiving the complaint from the consumer, or upon acquiring the accounts of telemarketing merchants who went out of business, the institutions must settle the chargebacks against their own accounts when the merchants are unable to pay them.

This exact scenario played out in my state or Arizona with Gateway National Bank in Phoenix which ended up being declared insolvent by the Office of the Comptroller of the Currency. Just 1 year prior to insolvency, Gateway claimed assets of $1 million. One of the main reasons attributed to its demise was the overwhelming number of chargebacks the bank had to absorb because of merchants' failure to pay. These chargebacks ate away at the bank's equity capital, depleting it so as to render the bank insolvent.

The message here is clear: with credit card fraud, the consumer and the banking community are the big losers.

The legislation we are considering today would combat telemarketing, consumer and credit card fraud in the following ways:

It offers a solution to the problems facing federal law enforcement officers working toward bringing scam operators to justice, by expanding the venue and service of process provisions in the Federal Trade Commission Act. Thus, authorities will be permitted to summon and serve process upon any party, regardless of where they live or conduct business. This way, law enforcement officials will be able to bring scam operators to justice even if they have packed up their operation.

It enhances the enforcement authority of the Federal Trade Commission [FTC] by amending the Right to Financial Privacy Act of 1978 to permit access to financial records of consumer fraud suspects, without providing advance notice to the suspects, with court approval, if the FTC can show that the funds are likely to disappear during an investigation.

It identifies credit card laundering as a fraudulent telemarketing act or practice.

It offers protection to consumers against telemarketing fraud and abuse by requiring the FTC to develop telemarketing fraud protecting consumers. The rules would include: first refunds for untimely delivery of goods or services, second, order cancellations, third, time restrictions on unsoliciated sales calls, fourth, a prohibition on the use of equipment that does not allow the person called to hang up and disconnect the call immediately, and fifth requirements for proper recordkeeping for the purposes of establishing evidence of proper business practices. The bill also directs the FTC to reflect on the changing nature of these illegal practices. These provisions would protect unsuspecting consumers from both unwelcome, and unsolicited goods or services, and, more importantly, fraud.

It will allow enforcement assistance by the states by permitting State attorneys general to enforce the proposed FTC telemarketing rules after first notifying the Commission. After receiving a copy of the State's complaint, the Commission may intervene as a matter of right in the proceeding. This provision assures joint enforcement efforts by both State and Federal authorities without precluding one or the other.

It permits private individuals to sue for violation of the FTC telemarketing rules when the amount in controversy exceeds $50,000. As in the case of the State attorneys general, a plaintiff would be required to notify the FTC prior to bringing suit.

These last three provisions are subject to a 5-year sunset clause, at which time they will cease to be effective. This will allow Congress the opportunity to evaluate the reasonableness and effectiveness of the telemarketing fraud and enforcement rules before continuing them indefinitely.

It amends the Federal Trade Commission Act to clearly set forth that it is unlawful to disseminate any false advertisement for the purpose of inducing the purchase of services, such as health care or home repair services. This provision addresses the problems and dangers of health care fraud by further amending the Federal Trade Commission Act to expand the definition of "physical evidence" for the purpose of bringing these cases to court. The definition of "physical evidence" should be expanded to include services, as well as medical devices, food products, nutritional or cosmetic products, or audio or video recordings, all things which are often pivotal evidence in consumer fraud cases generally, and health care fraud in particular.

It permits the FTC to bring an action for criminal contempt for violation of an FTC order, if it is presently authorized to institute a proceeding for civil contempt.

It requires the FTC to establish a clearinghouse for telemarketing inquiries to be made available to the public.

And, finally, it requires the FTC to conduct a study of unfair or deceptive acts or practices in the life care home industry and report to Congress on the results of that study. This would be a starting point toward ensuring that the elderly are not misled when choosing a life care community, and can feel confident when making this very important decision.

Madam President, this legislation has been reported favorably from the Commerce Committee. It is an important step toward minimizing the practice of telemarketing, consumer, and credit card fraud, and help protect senior citizens in particular, who are all too often targeted as victims of fraud. I realize, however, that some of the provisions of this bill may slightly increase redtape for businesses and could nominally increase the price of products or services, but this is one case in which I believe the end result justifies the means. We must provide sufficient tools to the authorities to shut down the crooks that are ripping off, and in some cases threatening the lives, of consumers.

Several months ago, the House of Representatives passed their telemarketing fraud bill. It is now time to

pass ours so that we can get on with a conference and produce legislation that is able to be signed into law.

I hope that all of our colleagues will consider supporting this important legislation.

Mr. GORTON. Madam President, I am pleased to support Senate passage of the Telemarketing and Consumer Fraud and Abuse Prevention Act. This bill takes a reasonable approach to addressing the problems associated with telemarketing fraud.

Telemarketing is one of the fastest growing industries in the United States. It is comprised of more than 140,000 firms employing 2 million people. Consumers are making increased use of telemarketing, as it allows them to make purchases from their homes.

Although the vast majority of telemarketing firms are legitimate, fraud is a major problem. A report last year by the House Committee on Government Operations concluded that telemarketing fraud may cost society as much as $40 billion annually. The magnitude of this problem is underscored by the results of a survey conducted last year by the National Consumers League. It found that 92 percent of all Americans had been contacted about a guaranteed prize, and 29 percent had responded to such offers at least once. Sixty-nine percent of those that responded to these notices received no prizes, but most of those that did receive one found them to be worth far less than the promised value.

Combatting telemarketing fraud is particularly difficult, since scam artists often operate out of boiler rooms consisting of banks of phone lines on which solicitors place calls to likely prospects. If the scam artists determine that legal action by State or Federal authorities is imminent, the boiler room is packed up and moved to a new location.

This bill addresses this problem through enhanced law enforcement. The legislation provides the Federal Trade Commission [FTC] important enforcement tools that are essential if the Commission is to bring scam artists to justice. For example, the bill expands the Commission's authority to collect financial evidence. This is needed to allow the Commission to follow the money—an axiom of law enforcement. The legislation also modifies the Commission's authority to initiate criminal contempt proceedings against those that repeatedly violate Commission orders. This recognizes that civil remedies are not adequate to deal with those hard-core scam artists who routinely attempt to defraud unwitting consumers.

The bill also enhances FTC enforcement authority by permitting the Commission to issue civil investigative demands for physical evidence in addition to documents, as allowed under current law. Also, the bill amends section 13 of the FTC Act to permit a Federal court to join additional defendants in a civil action even if they have no contracts with the district in which the case is pending. The FTC would be permitted to serve process on defendants where ever the defendants can be found.

In addition to enhancing FTC enforcement authority, the bill seeks to increase the resources available to combat telemarketing fraud. The legislation requires the FTC to promulgate a rule regarding fraudulent telemarketing acts or practices that the FTC and state attorneys general would be authorized to enforce. This authority for state attorneys general is very important because the FTC does not have the resources to address this pervasive problem alone. State law enforcement resources are critical to the national effort to combat telemarketing fraud, and this provision will allow state attorneys general to bring scam artists who have defrauded their citizens to justice, even if the scam artists are located outside that state. A 1989 report by the American Bar Association on the FTC urged the Commission and the states to work cooperatively on national matters such as this. This provision requires state attorneys general to give the FTC prior written notice of his or her intent to file a civil action in order to ensure a cooperative approach to enforcement. In addition, the FTC would have authority to intervene in any lawsuit brought by a state and to file appeals of any court order, and state attorneys general would be prohibited from bringing a civil action during the pendency of an action by the FTC against the same defendant for a violation of the rule.

Earlier this year, the Federal Bureau of Investigation [FBI] concluded a 2-year undercover investigation of telemarketing fraud, which resulted in hundreds of arrests and the exposure of numerous networks of fraudulent activity. The FBI, FTC, and state officials must devote considerable resources to combat this problem because it is pervasive and, tragically, usually very successful. This bill will help to provide civil enforcement agencies, Federal and State, the tools they need. Madam President, I urge my colleagues to support this bill.

Mr. BURNS. Madam President, I proudly rise today and join with my Commerce Committee colleagues, Senators BRYAN, MCCAIN, and GORTON, in urging the Senate to expeditiously pass critically important consumer legislation, S. 568, the Telemarketing and Consumer Fraud and Abuse Prevention Act.

Madam President, telemarketing—the use of telephone and telecommunications technologies to market products or services—is a rapidly growing business in the United States and around the world. This rapid growth will only increase in the future as we move into the information age. There are many legitimate businesses involved in the telemarketing field. There are also, unfortunately, many problems associated with telemarketing. Fraud is a significant problem with telemarketing practices.

For instance, in February, following an extensive investigation, the FTC brought charges against two telemarketers who induced consumers to buy products through promises of valuable prizes. According to the FTC, these telemarketers used high-pressure sales tactics to sell goods worth far less than their advertised value. Moreover, the prizes were, in many cases, never delivered. Regrettably, consumers are quite frequently victimized by just such practices. An investigative report by the House Government Operations Committee concluded that telemarketing fraud may cost consumers as much as $40 billion annually.

S. 568 addresses these problems by enhancing the enforcement authority of both the FTC and state law enforcement officials. For the FTC, the bill provides important enforcement tools, such as the authority to initiate criminal contempt proceedings against those hard core scam artists who repeatedly violate FTC orders and rules and regulations. Moreover, the bill expands the FTC's ability to investigate scam artists by expanding the agency's subpoena authority. The bill also authorizes state attorneys general to enforce an FTC rule prohibiting fraudulent telemarketing, even if the call is made from another state. While the FTC will enforce the rule jointly with state law enforcement officials, the FTC alone will continue to enforce section 5 of the FTC Act, which prohibits unfair or deceptive acts or practices.

Overall, this legislation is a measured, reasonable response to a significant consumer problem which should go a long way in discouraging fraudulent telemarketing practices in America while, at the same, not harming the legitimate use of new sales and marketing tools made available by advances in telecommunications and information technologies.

ARMORED CAR INDUSTRY RECIPROCITY ACT OF 1993

Mr. FORD. Madam President, on behalf of the majority leader I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 107, S. 608, the Armored Car Industry Reciprocity Act of 1993.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 608) entitled the "Armored Car Industry Reciprocity Act of 1993."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 608

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 "Armored Car Industry Reciprocity Act of 1993".

SEC. 2. FINDINGS.

Congress finds that—

(1) the distribution of goods and services to consumers in the United States requires the free flow of currency, bullion, securities, food stamps, and other items of unusual value in interstate commerce;

(2) the armored car industry transports and protects such items in interstate commerce, including daily transportation of currency and food stamps valued at more than $1,000,000,000;

(3) armored car crew members are often subject to armed attack by individuals attempting to steal such items;

(4) to protect themselves and the items they transport, such crew members are armed with weapons;

(5) various States require both **[**weapons'**]** *weapons* training and a criminal background check before licensing a crew member to carry a weapon; and

(6) there is a need for each State to reciprocally accept **[**weapons'**]** *weapons* licenses of other States for armored car crew members to assure the free and safe transport of valuable items in interstate commerce.

SEC. 3. STATE RECIPROCITY OF WEAPONS' WEAPONS LICENSES ISSUED TO ARMORED CAR COMPANY CREW MEMBERS.

(a) IN GENERAL.—If an armored car crew member employed by an armored car company has in effect a license issued by the appropriate State agency (in the State in which such member is primarily employed by such company) to carry a weapon while acting in the services of such company in that State, and such State agency meets the minimum State requirements under subsection (b), then such crew member shall be entitled to lawfully carry any weapon to which such license relates in any State while such crew member is acting in the service of such company.

(b) MINIMUM STATE REQUIREMENTS.—A State agency meets the minimum State requirements of this subsection if in issuing a **[**weapon's**]** *weapons* license to an armored car crew member described in subsection (a), the agency requires the crew member to provide information on an annual basis to the satisfaction of the agency **[**that the crew member—**]** *that—*

(1) *the crew member* has received classroom and range training in **[**weapon's**]** *weapons* safety and marksmanship during the current year by a qualified instructor for each weapon that the crew member is licensed to carry; and

(2) the receipt or possession of a weapon by the crew member would not violate Federal law, determined on the basis of a criminal record background check conducted during the current year.

SEC. 4. RELATION TO OTHER LAWS.

This Act shall supersede any provision of State law **[**(or any subdivision thereof)**]** *(or the law of any political subdivision of a State)* that is inconsistent with this Act.

SEC. 5. DEFINITIONS.

As used in this Act:

(1) The term "armored car crew member" means an individual who provides protection for goods transported by an armored car company.

(2) The term "armored car company" means a company—

(A) subject to regulation under subchapter II of chapter 105 of title 49, United States Code; and

(B) holding the appropriated certificate, permit, or license issued under subchapter II of chapter 109 of such title, in order to engage in the business of transporting and protecting currency, bullion, securities, precious metals, food stamps, and other articles of unusual value in interstate commerce.

The PRESIDING OFFICER. If there is no objection, the committee amendments are agreed to.

So the committee amendments were agreed to.

AMENDMENT NO. 562

(Purpose: To add a definition for the term "States")

Mr. FORD. Madam President, I send a technical amendment to the desk on behalf of Senator EXON.

The PRESIDING OFFICER. The clerk will report

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD] for Mr. EXON, proposes an amendment numbered 562.

On page 4, after line 25, insert the following new paragraph:

(3) The term "State" means any State of the United States or the District of Columbia."

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 562) was agreed to.

Mr. EXON. Madam President. I rise in support of final passage of S. 608, the Armored Car Industry Reciprocity Act. This measure was reported to the Senate favorably and without objection by the Committee on Commerce, Science, and Transportation, on May 25, 1993. I would note that the House of Representatives recently has passed similar legislation (H.R. 1189), and that, in the last Congress, the Senate voted unanimously to approve S. 3229, the Armored Car Industry Reciprocity Act of 1992. As chairman of the Surface Transportation Subcommittee, I would therefore suggest to my colleagues that the measure before us should be noncontroversial.

S. 608 would entitle, under certain circumstances, an armored car crew member with a weapons permit in the State in which that crew member primarily is employed to carry lawfully a weapon in any State while protecting the security of valuable goods in interstate commerce in the service of an armored car company. The bill addresses the problem of a lack of recognition and reciprocity among the States of various State weapons permits, by requiring States to recognize a weapons license issued by another State to a qualified armored car crew member, so long as the State agency issuing the license meets certain requirements set forth in the legislation.

Madam President, this is commonsense legislation. The U.S. armored car industry transports billions of dollars of cash, securities, food stamps, bullion, and other valuables within and between States every day. Unfortunately, on a number of different occasions in recent years, local law enforcement authorities have stopped armored cars moving while in interstate commerce and either have arrested armed guards or have confiscated their weapons, based on the alleged lack of a weapons permit valid in that State. Armored car companies have attempted to comply with multiple State weapons licensing laws, but to do so must face increased costs, additional administrative burdens, and other constraints on crew routing and assignment. In some cases, I understand, armored car companies have simply been unable to comply with all of the various State weapons licensing requirements.

S. 608 addresses this unnecessary restraint on interstate commerce by providing for weapons permit reciprocity for armored car crew members under certain circumstances, and only if the issuing State agency conducts a criminal background check and requires annual range and classroom firearms training. Specifically, S. 608 provides that, if an armored car crew member employed by an armored car company has a valid weapons license issued by the appropriate State agency in the State in which the crew member primarily is employed, the weapons license shall be granted reciprocity by all other States while the crew member is acting in the course of employment for that armored car company.

The legislation makes clear, however, that reciprocity for State weapons licenses only shall be granted where the following minimum requirements are met: First, the issuing State agency must require the crew member to provide satisfactory information annually that the crew member has received classroom and range training in weapons safety and marksmanship during the current year by a qualified instructor for each weapon that the crew member is licensed to carry; and second, based on a annual criminal background check, receipt or possession of a weapon by the crew member would not violate Federal law. This section does not require States to meet these minimum standards. A State must comply with the standards in this section only if the State desires to have the armored car crew weapons license issued by the appropriate agency of that State granted reciprocity in other States.

In addition to the implementation and definition sections incorporated in

the bill, I am today introducing a technical amendment which defines a State for the purposes of this legislation as any State of the United States or the District of Columbia.

The armored car industry, their customers, the National Rifle Association, Handgun Control, Inc., and other major interested parties, all either endorse or do not oppose this bill. I urge my colleagues to join me in voting for final passage of this much-needed and what I believe should be noncontroversial measure.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. FORD. Madam President, I ask unanimous consent that the Senate Commerce Committee be discharged from further consideration of H.R. 1189, the House companion; that all after the enacting clause be stricken, and the text of S. 608, as amended, be inserted in lieu thereof; that the bill be advanced to third reading, passed, and the motion to reconsider be laid upon the table.

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

So the bill (H.R. 1189), as amended, was deemed passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 1189) entitled "An Act to entitle certain armored car crew members to lawfully carry a weapon in any State while protecting the security of valuable goods in interstate commerce in the service of an armored car company", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Armored Car Industry Reciprocity Act of 1993".

SEC. 2. FINDINGS.

Congress finds that—

(1) the distribution of goods and services to consumers in the United States requires the free flow of currency, bullion, securities, food stamps, and other items of unusual value in interstate commerce;

(2) the armored car industry transports and protects such items in interstate commerce, including daily transportation of currency and food stamps valued at more than $1,000,000,000;

(3) armored car crew members are often subject to armed attack by individuals attempting to steal such items;

(4) to protect themselves and the items they transport, such crew members are armed with weapons;

(5) various States require both weapons training and a criminal record background check before licensing a crew member to carry a weapon; and

(6) there is a need for such State to reciprocally accept weapons licenses of the States for armored car crew members to assure the free and safe transport of valuable items in interstate commerce.

SEC. 3. STATE RECIPROCITY OF WEAPONS LICENSES ISSUED TO ARMORED CAR COMPANY CREW MEMBERS.

(a) IN GENERAL.—If an armored car crew member employed by an armored car company has in effect a license issued by the appropriate State agency (in the State in which such member is primarily employed by such company) to carry a weapon while acting in the service of such company in that State, and such State agency meets the minimum State requirements under subsection (b), then such crew member shall be entitled to lawfully carry any weapon to which such license relates in any State while such crew member is acting in the service of such company.

(b) MINIMUM STATE REQUIREMENTS.—A State agency meets the minimum State requirements of this subsection if in issuing a weapons license to an armored car crew member described in subsection (a), the agency requires the crew member to provide information on an annual basis to the satisfaction of the agency that—

(1) the crew member has received classroom and range training in weapons safety and marksmanship during the current year by a qualified instructor for each weapon that the crew member is licensed to carry; and

(2) the receipt or possession of a weapon by the crew member would not violate Federal law, determined on the basis of a criminal record background check conducted during the current year.

SEC. 4. RELATION TO OTHER LAWS.

This Act shall supersede any provision of State law (or the law of any political subdivision of a State) that is inconsistent with this Act.

SEC. 5. DEFINITIONS.

As used in this Act:

(1) The term "armored car crew member" means an individual who provides protection for goods transported by an armored car company.

(2) The term "armored car company" means a company—

(A) subject to regulation under subchapter II of chapter 105 of title 49, United States Code; and

(B) holding the appropriated certificate, permit, or license issued under subchapter II of chapter 109 of such title, in order to engage in the business of transporting and protecting currency, bullion, securities, precious metals, food stamps, and other articles of unusual value in interstate commerce.

(3) The term "State" means any State of the United States or the District of Columbia.

Mr. FORD. Madam President, I ask unanimous consent that S. 608 be indefinitely postponed.

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

AUTHORITY FOR COMMITTEES TO REPORT

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that, during the recess or adjournment of the Senate, Senate committees may file reported legislative and Executive Calendar business on Thursday, July 8 from 11 a.m. to 3 p.m.

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

Mr. FORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order of the quorum call be rescinded.

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

ORDERS FOR THURSDAY, JULY 1, 1993

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Thursday, July 1; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 10:45 a.m., with Senators permitted to speak therein for up to 5 minutes, with the following Senators recognized for the time limits specified: Senator GRASSLEY to be recognized for up to 10 minutes, and the time from 9:45 to 10:45 a.m. under the control of Senator MACK, or his designee.

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

ORDER OF PROCEDURE

Mr. FORD. Madam President, I wish to announce, so the Senate might understand what the majority leader intends to do tomorrow, it is the majority leader's intention to proceed to Calendar No. 235, Philip R. Lee, of California, to be Assistant Secretary of Health and Human Services. That is the majority leader's intention tomorrow.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. FORD. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 7:48 p.m., recessed until Thursday, July 1, 1993, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 30, 1993:

DEPARTMENT OF TRANSPORTATION

DAVID RUSSELL HINSON, OF ILLINOIS, TO BE ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION, VICE THOMAS C. RICHARDS, RESIGNED.

SECURITIES AND EXCHANGE COMMISSION

ARTHUR LEVITT, JR., OF NEW YORK, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 1998, VICE RICHARD C. BREEDEN, RESIGNED.

DEPARTMENT OF THE INTERIOR

ADA E. DEER, OF WISCONSIN, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE EDDIE F. BROWN.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate June 30, 1993:

DEPARTMENT OF STATE

ALEXANDER FLETCHER WATSON, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN ASSISTANT SECRETARY OF STATE.

ROBERT E. HUNTER, OF THE DISTRICT OF COLUMBIA, TO BE THE U.S. PERMANENT REPRESENTATIVE ON THE COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION, WITH RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

RAYMOND LEO FLYNN, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HOLY SEE.

DEPARTMENT OF THE INTERIOR

GEORGE T. FRAMPTON, JR., OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE.

GENERAL SERVICES ADMINISTRATION

ROGER W. JOHNSON, OF CALIFORNIA, TO BE ADMINISTRATOR OF GENERAL SERVICES.

DEPARTMENT OF JUSTICE

SHEILA FOSTER ANTHONY, OF ARKANSAS, TO BE AN ASSISTANT ATTORNEY GENERAL.

FRANK HUNGER, OF MISSISSIPPI, TO BE AN ASSISTANT ATTORNEY GENERAL.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CHRISTOPHER FINN, OF NEW YORK, TO BE EXECUTIVE VICE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

U.S. INFORMATION AGENCY

PENN KEMBLE, OF NEW YORK, TO BE DEPUTY DIRECTOR OF THE U.S. INFORMATION AGENCY.

MERIT SYSTEMS PROTECTION BOARD

BENJAMIN LEADER ERDREICH, OF ALABAMA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF 7 YEARS EXPIRING MARCH 1, 2000.

BENJAMIN LEADER ERDREICH, OF ALABAMA, TO BE CHAIRMAN OF THE MERIT SYSTEMS PROTECTION BOARD.

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.